

Routledge Studies in South Asian Politics

KASHMIR IN INDIA AND PAKISTAN POLICIES

Piotr Balcerowicz and Agnieszka Kuszewska



Kashmir in India and Pakistan Policies

This book examines the complex political structures of Pakistan and India that determine both the Kashmir conflict and the geostrategic environment underpinning it.

Providing comprehensive knowledge on both historical and contemporary dynamics of Indo-Pakistani policies and relations, this book combines a brief history of the Kashmir conflict with a thorough politological analysis. Analyses range from strategic dynamics in the aftermath of bifurcation of Indian-administered Kashmir, to ideologically motivated and state-led narratives, security dilemmas, regional and geopolitical dynamics. The book ultimately investigates which policies India and Pakistan develop vis-à-vis the territories of the former Princely State of Jammu and Kashmir (PSJ&K) in a balanced and impartial manner. While placing the subject against the backdrop of Pakistan's and India's domestic and international policies, this book emphasises why Kashmir is so important to both countries and how it is manifested in their policies.

Kashmir in India and Pakistan policies will appeal to students and scholars of peace and conflict studies, international relations, political science and South Asian studies.

Piotr Balcerowicz, Indologist and philosopher, is Professor at the University of Warsaw and Professor at the University of Munich (2019–2020). He specialises in Asian and Western philosophical traditions, in particular, Indian philosophies and religions, South Asian history, international relations, political philosophy, human rights. His latest book: *Early Asceticism in India* (2016).

Agnieszka Kuszewska, political scientist, is Associate Professor at the Jagiellonian University. She specialises in international relations, conflict and security studies, geostrategic specificity and contemporary history of South Asia. She is the author of three books, including *Understanding Pakistan. Radicalization, terrorism and other challenges* (2015).

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**Piotr Balcerowicz and
Agnieszka Kuszewska**



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Abbreviations

AJK	Azad Jammu and Kashmir
BD	Bajrang Dal (The Army of the Strong One, i.e. of Hanumān)
BJP	Bharatiya Janata Party (Bhāratīya Janatā Pārṭī, Indian People's Party)
BSF	Border Security Force
CENTO	Central Treaty Organization
COAS	Chief of the Army Staff
CPEC	China-Pakistan Economic Corridor
CRPF	Central Reserve Police Force
FATF	Financial Action Task Force
GB	Gilgit-Baltistan
HuM	Hizb ul-Mujahideen (Ḥizb al-Mujāhidīn)
HRCP	Human Rights Commission of Pakistan
IaJK	Indian-administered Jammu and Kashmir
IB	Indian Intelligence Bureau
IJK	Indian-controlled Jammu and Kashmir
INSTC	International North-South Transport Corridor
IoAJ&K	The Instrument of Accession of the State of Jammu & Kashmir
ISI	Inter-Services Intelligence
ITBP	Indo-Tibetan Border Police Force
J&K	Jammu and Kashmir
JeI	Jamaat-e-Islami (Jam'āt-e-Islāmī)
JeM	Jaish-e-Mohammad (-e-Muḥammad)
JKCCS	Jammu Kashmir Coalition of Civil Society
JKLF	Jammu Kashmir Liberation Front
JuD	Jamaat-ud-Dawa (Jamā'at al-Da'wa)
JUI	Jamīyat Ulemā-e-Islām
LeT	Lashkar-e-Taiba (Lashkar-e-Tayyibā)
LoC	Line of Control
MUF	Muslim United Front
NDA	National Democratic Alliance

PaJK	Pakistani-administered Jammu and Kashmir
PPP	Pakistan Peoples Party
PSJ&K	(former) Princely State of Jammu and Kashmir
PTI	Pakistan Tehreek-e-Insaf (Pākistān Tahrīk-e-Insāf; Pakistan Movement for Justice)
PTM	Pashtun Protection Movement
RAW	Research and Analysis Wing
RSS	Rashtriya Swayamsevak Sangh (Rāṣṭrīya Svayamsevak Saṅgh, National Volunteer Organisation)
SAD	Shiromani Akali Dal (Śiromaṇi Akālī Dal)
SASB	Shri Amarnath Shrine Board
SEATO	Southeast Asia Treaty Organization
SSB	Saśastra Sīmā Bal ('the Armed Border Force'), till 1991 known as 'Special Service Bureau'
TAPI	Turkmenistan-Afghanistan-Pakistan-India Natural Gas Pipeline
TLP	Tehreek-Labaik Pakistan (Taḥrīk-e-Labbaīk Pākistān)
TTP	Tehreek-e-Taliban Pakistan (Taḥrīk-e-Tālibān Pākistān)
UNCIP	United Nations Commission for India and Pakistan
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNSC	United Nations Security Council
UTJ&K	union territory of Jammu and Kashmir
UTL	union territory of Ladakh
VHP	Vishva Hindu Parishad (Viśva Hindū Pariṣad; World Hindu Council)

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Biographical notes on the authors

Piotr Balcerowicz is Professor of Philosophy and South Asian Studies, currently teaching at the University of Warsaw (Chair of South Asia, the Faculty of Oriental Studies), and until recently the University of Munich (Institute of Indology and Tibetology). Till 2011 Associate Professor of International Relations of the Warsaw-based University of Social Sciences and Humanities (Department of International Relations), member of the Committee for Oriental Studies of Polish Academy of Sciences and Polish Association of International Relations; visiting professor at Ashoka University, India (2018), the University of the Punjab in Lahore, Pakistan (2016) and Hamburg University, Germany (in 2006), in addition to delivering numerous guest lectures and seminars at various universities from Tokyo University to the University of California, Harvard University or Yale University. He specialises in philosophical traditions of Asia and the West. In particular, he lectures on South Asian philosophy and religions as well as on intercultural relations and contemporary history of Asia, esp. South Asia, Central Asia and the Middle East. In addition, he taught courses on political philosophy and human rights to graduate and postgraduate students in the former Soviet Union states (Azerbaijan, Kazakhstan, Kyrgyzstan, Russia, Ukraine) in the period 1999–2011. Between 2002 and 2014 with two NGOs, Education for Peace and Schools for Peace, of which he was founder and president, he was involved in various development co-operation projects (construction of schools, university institutions and educational infrastructure, literacy courses, water supply, etc.) and trained journalists and human rights monitors in war-prone and war-torn regions, esp. in Afghanistan, Pakistan, Myanmar (Burma), Burkina Faso, South Sudan and Uganda, and established centres for independent journalism and human rights monitoring in Myanmar and South Sudan. Since mid-1980s, and his studies at Banaras Hindu University in India, he been visiting all of South Asia on almost semi-annual basis, with numerous research tours to both sides of Jammu and Kashmir. An author of numerous publications on Indian philosophy, religions and cultures, including seven books, the latest being *Early*

Asceticism in India: Ājīvikism and Jainism (Routledge, 2016), fifteen edited monographs and more than a hundred papers. More information: www.balcerowicz.eu

Agnieszka Kuszewska is Associate Professor of Political Science at Jagiellonian University in Kraków (Faculty of International and Political Studies, Institute of the Middle and Far East), where she teaches courses on international relations, security, conflict studies, human rights (especially in Kashmir), modern history, and contemporary political/socio-economic challenges of South Asia. She is also a lecturer in security challenges, business/economy of India and Pakistan, and Asian Studies at a Warsaw-based university, Collegium Civitas. Till 2018, she was Associate Professor of Political Science of the University of Social Sciences and Humanities in Warsaw. She is a member of European Association for South Asian Studies and Polish Association of International Relations, and a graduate of the UN Human Rights Council Training Programme. From 2011–2017, South Asia expert at the Poland-Asia Research Centre (Warsaw-based think tank). She did her Ph.D. on the Kashmir conflict (2009) and habilitation (2016) on security dilemmas and radicalisation in Pakistan. She has published the following monographs: *Indo-Pakistani Kashmir conflict* (2010) containing the first translation of Kashmir conflict documents into Polish, *Understanding Pakistan. Radicalization, terrorism and other challenges*, 2015; *India and Pakistan in international relations. Conflicts, strategies and security*, 2013 (in Polish). She has authored numerous research articles and policy papers (including analyses on EU-South Asia relations, India and China for the Bureau of Research, Chancellery of the Sejm). She regularly presents papers on international relations and security studies, including Indo-Pakistani relations, Kashmir and human rights at conferences and seminars in Europe and Asia, also as a keynote speaker. She has conducted many research trips to Asia, including India and Pakistan, and both parts of Kashmir. A visiting scholar at many European and Asian universities: University of the Punjab in Lahore, University of Peshawar, (Pakistan), Jawaharlal Nehru University, University of Calcutta (India), Rostock University (Germany), University of Tartu (Estonia), Baltic Academy, Riga (Latvia). She delivered guest lectures at Tashkent State University of Economics in Uzbekistan, Quaid-e-Azam University in Islamabad, Christian Forman College in Lahore, Government College University, Faisalabad, University of Latvia, Riga. More information: <https://orient.uj.edu.pl/instytut/struktura/kawip/kuszewska>

1 Introduction

India and Pakistan took their painful births of independence marked by bloody partition and the war of Kashmir.¹ Jammu and Kashmir has ever since stood either in the very centre of all the remaining wars, stand-offs and skirmishes between the two states or in direct background. The problem of Kashmir conflict needs to be contextualised as the major South Asian security challenge hampering the normalisation of relations within the region. The belligerent Indo-Pakistani relationship, by many authors referred to as enduring, persistent or intractable, constitutes a prime cause of regional instability and provides grounds for strategic alliances with wealthy global arms exporters. The nuclear arms race between the two nations has taken cognisance of potential threats posed by the neighbour as does the decades-long Siachen Glacier confrontation being played on the highest battleground stage on Earth, all with the Kashmiri issue as a backdrop. It is no wonder that the unresolved Kashmiri debate may easily precipitate a larger conflict between the two neighbours and the conflict remains one of the major challenges in contemporary international relations. At the same time, the two South Asian states use, either explicitly or indirectly, the Kashmir imbroglio as an important determinant of their internal and foreign policies, embedded in the power structures of both rivals, which are nourished through it.

The purpose of this monograph is therefore to examine, in a balanced, impartial and thorough manner, what policies India and Pakistan develop vis-à-vis the territories of former Princely State of Jammu and Kashmir (PSJ&K); what impact the disputed region, currently administered by India and Pakistan, has on their domestic and international strategies; how the functioning of the two states as well as their geostrategic, political, religious and cultural ramifications influence their policies vis-à-vis Kashmir; how these policies impact the civil and human rights of the residents of Indian-administered Kashmir (IaJK) and Pakistan-administered Kashmir (PaJK) to the effect that these are in the end restricted, temporarily nullified or abused. The global and regional contexts are explored when necessary, in order to provide a broader analytical framework for the empirical deliberations on India and Pakistan and their respective policies towards Kashmir.

2 Introduction

The methodical contextualisation of Kashmir imbroglio within the current geostrategic situation, rivalry between India and Pakistan, which engages external powers such as the United States or China, aims to deliver analytically and empirically incisive glimpses into the complexities of this protracted conflict and the incessant predicaments of the people living on both sides of the Line of Control (LoC).

Part 1 ('A Brief History of the Kashmir Conflict and Indo-Pakistani Relations') provides a brief historical background to the intractable Kashmir conflict and explains the genesis and selected consecutive phases of Indo-Pakistani rivalry. Due to the unresolved dispute between the two major South Asian states, the region remains one of the most volatile in the world and is paying a high price in terms of constrained human development, civilisational progress and economic growth. With incessant political tensions, ferocious belligerence, disdain for compromises, mistrust, military stand-offs and open-armed confrontations coupled with costly arms race on conventional and nuclear levels, any radical improvement of living conditions of South-Asian population, advancement in terms of political liberties and civil rights, respect for human rights and potential regional development of multilevel cooperation and peaceful bilateral relations have been thwarted, along with chances for prosperity of both nations and de-militarisation of their policies. The historically inherited, ideologically motivated antagonisms led to large number of crises and armed conflicts, elaborated in this chapter. Much has been written on root causes and the history of Kashmir conflict; therefore, the purpose of this part of the monograph is not to present an exhaustive and detailed historical reconstruction of the India-Pakistan relations, but rather to enumerate and analyse those events that have been particularly relevant to escalation and de-escalation phases of the conflict and are vital for the adequate understanding of its dynamics. This also includes a survey of the problem of terrorism and proxy conflicts and investigates a wider regional context that also involves the role of other actors, such as China, the United States and Afghanistan. These historical ramifications constitute an important introduction to the investigation, which is pursued in subsequent chapters: what role Kashmir and the Kashmiris play in India's and Pakistan's internal and foreign policies.

Parts 2 ('The role of Jammu and Kashmir in Pakistan's domestic and foreign policy') and **3** ('The role of Jammu and Kashmir in India's internal and international policies') examine the role Kashmir plays in Pakistan's and India's internal and international policies: as the territory, as the people and as a potent symbol in national psyches. With respect to Pakistan, which unceasingly adheres to *Kāśmīr banegā Pākistān* ('Kashmir will be [a part] of Pakistan') motto, persistent territorial claims regarding Indian-administered chunk of Jammu and Kashmir remain the crucial aspect of its India-centric regional goals and historically inherited ideology based on the two-nation theory. Revisionism in Kashmir with emphasis of human rights abuses of Kashmiri Muslims by the Indian authorities, profoundly

influences domestic affairs and international strategy based on providing support for *jihādīst* proxies and remains a crucial element in Pakistan's unceasing identity and nation-building efforts. The prolonged conflict along with composite regional security-related complexity with Pakistan being a frontline state in the US-led strategy in Afghanistan provides ramifications for the political and economic dominance of the military establishment (referred to as 'the Deep State' and comprising of the army and the ISI) of Pakistan, with military stakeholders availing themselves of Kashmir as a means to pursue their own agenda and exert their wide-reaching dominance. Internally, keeping the chunks of PaJK, namely Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK) in a state of legal limbo, without granting them constitutional rights equivalent to other regions, serves as a means and justification for state-imposed marginalisation and systemic restrictions on democratic freedoms of their inhabitants. The unilateral bifurcation of IaJK and deprivation of its already limited autonomy by Indian government in 2019 and more assertive encroachments of China into South Asia (Sino-Pakistani axis and Sino-Indian stand-offs in Ladakh) may precipitate a possible shift in Pakistan's policy vis-à-vis PaJK, which may include altering the status of GB, augmented demographic engineering and centre-led control in strategically crucial regions.

In contrast to Pakistan's persistently revisionist policy on Kashmir, India's stance has gradually evolved, from original admission that its future should be determined according to the wishes of the Kashmiris, till it has reached the stage that Kashmir is not recognised as a disputed territory any longer, and it is rather Pakistan that illegally occupies the Western part of the former State of Jammu and Kashmir, which had lawfully accessed India. Treated as an integral and inalienable part of India, Kashmir has become a symbol of the territorial integrity of India, which has perceived threats to it both from the outside, primarily from the sides of Pakistan and China, and from within, in the form of separatist movements, which India has attempted to combat through various legal-constitutional, political, economic, military and extrajudicial ways. Kashmir has always played an important role in India's psyche that has wanted to project itself as strictly secular, *ergo* fully democratic, modernist and forward-looking, unlike undemocratic and military-controlled Pakistan founded on religion. This single Muslim-majority state (now unconstitutionally split and reduced to two union territories)—of a centuries-long tradition of being a historical centre of Śivaism and with a distinct community of Hindu Kashmiri Pandits—remaining within the Indian Union has come to symbolise the secular, multicultural and tolerant face of India. Its religiously neutral and welcoming expression has been dramatically transforming into a Hindutva grimace in the last three decades, with the democratic make-up quickly peeling off, and the Kashmir conflict has had a role to play in shaping new identities both in India and in all the territories of the former State of Jammu and Kashmir. Like in the case of Pakistan, albeit to a lesser extent, it is the

4 Introduction

military that pull a number of the strings attached to the conflict and to India's internal and external policies, and it is not surprising to discover that a large number of high-rank generals and ex-generals-turned-politicians own their swift careers to their service in Kashmir, which continues to be the most militarised region of the world with the ratio of armed personnel per civilians at staggeringly high 1:16.

The monograph is based on a wide range of sources that comprise both published and unpublished materials, reports, primary and secondary literature and archival material, but also on the authors' first-hand experience and research carried out in the region during several visits to all the territories of the former State of Jammu and Kashmir, and numerous research visits to South Asia. The authors have greatly benefited over the years from innumerable personal contacts, discussions and correspondence with Kashmiri, Indian and Pakistani intellectuals, academics, human rights activists, researchers, journalists both living in the region but also barred from visiting it. Face-to-face contacts with the people of Kashmir, those living in the region and in the diaspora, have largely contributed to the authors' understanding of the conflict and the final shape of the book. It is an outcome of a broader research on Kashmir and human rights in the context of the policies of India and Pakistan vis-à-vis Jammu and Kashmir, which also resulted in complementary monographs by the authors (*Human rights violations in Kashmir* and *Law and conflict resolution in Kashmir*, Routledge 2022).

The work is a result of joint labour and consists of chapters initially written separately by the co-authors, who are characterised by their distinctive analytical methodologies, insights and conclusions due to their different academic expertise and background, which is reflected in respective chapters. Following this same principle that ensures internal coherence of the whole project, each chapter has originally been written by one author, blue-pencilled by the co-author whose input, critique, feedback and comments are included in the final form. As a result, the work is characterised, as it is hoped, by a strong interdisciplinary and balanced approach, with expertise ranging from political science and international relations to political philosophy, cultural and religious studies, history and classical Indology, that enables the authors to view the conflict from a range of different perspectives and in a more perceptive manner.

Piotr Balcerowicz and Agnieszka Kuszewska
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Note

1. In this monograph, the term 'Kashmir' refers to the parts of former Princely State of Jammu and Kashmir, presently administered by India (the Kashmir Valley, Jammu and Ladakh) and Pakistan (Azad Jammu and Kashmir and Gilgit-Baltistan).

Part I

A brief history of the Kashmir conflict and Indo-Pakistani relations



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2 Introduction

Tracing the conflict's genesis and dynamics in a tailored manner

Agnieszka Kuszewska

Due to protracted antagonism between India and Pakistan, South Asia remains one of the most volatile and least integrated regions in the world, where the security paradigms are predominantly constructed through the prism of the Kashmir conflict. Rooted in colonial past and the post-colonial, largely belligerent dynamics, including armed conflicts and the long-lasting insurgency in a chunk of the Indian-administered Jammu and Kashmir (IaJK), the conflict has profoundly shaped the regional security environment and deadlocked bilateral relations. By triggering and sustaining the costly arms race and mainstreaming politicised, ideologically motivated communalism, which nurtures hawkish nationalisms, the leaderships of India and Pakistan have thwarted prospects for conflict settlement and peaceful cooperation. Conversely, they entangled both nations in escalation-prone hostilities accompanied by confrontational rhetoric with very limited space for dialogue. It is impossible to investigate current Indo-Pakistani relations or to discuss the political, socio-economic and strategic future of the region with potential conflict resolution, without referring to historical dynamics of the dispute and tracing the origins of the Kashmir imbroglio. Thereupon, a brief study on the conflict's genesis is outlined in this part of the monograph, with enmity-related chain of actions: why it started, evolved through the subsequent phases and what impact it had on India, Pakistan and their respective administered portions of Kashmir.

An abundance of written material is available on the root causes, detailed history of the conflict in Kashmir and the dynamics of the relations between India and Pakistan.¹ Therefore, these deliberations are not aimed to reconstruct comprehensively Indo-Pakistani relations or provide exhaustive history of all parts of the erstwhile Princely State of Jammu and Kashmir (PSJ&K), which would exceed the scope of this book. The purpose is to investigate the genesis of the conflict, key phases of conflict's escalation and de-escalation, important to understand the complexity of the rivalry, with its multidimensional manifestations and ideological explanations, in a tailored manner, referring to selected events and occurrences, where certain elements of bilateral relations and political narratives within Kashmir, considered as most substantial, are touched upon. Recapitulating the conflict's

history and contextualising it within specific political, security-related and ideological features, which shaped the discursive frameworks and triggered Indo-Pakistani antagonisms, enables to explore its dynamics and to deepen the understanding of diverse grievances in the former PSJ&K. Indo-Pakistani relations have to be regarded not only as a post-colonial legacy or a matter of bilateral antagonisms; it is also indispensable to scrutinise them by referring to the major geostrategic and socio-political trajectories. Accordingly, this study touches upon different aspects of democratic backsliding and its consequences for India and Pakistan, the evolution of Pakistan's proxy strategy and politicised *jihādism* as tools for territorial revisionism, the dynamics of security-related alliances in the wider international context that includes the role of such actors, as the United States or China. These ramifications constitute an important analytical framework for an in-depth research on India's and Pakistan's strategies vis-à-vis Kashmir. Furthermore, the policies of successive ruling establishments in India and Pakistan, and of selected Kashmiri leaders, need to be scrutinised from the historical and geopolitical perspectives to identify the sources and patterns of competing narratives. The conclusive chapter of [Part 1](#) of the book analyses exogenous and endogenous factors shaping the regional security environment in the 21st century, namely, the post-9/11 dynamics and its impact on South Asia, the unyielding animosities between India and Pakistan with regular cross-border skirmishes, ceasefire violations, and failed attempts to measurably improve the mutual interactions. It also addresses the challenges within the insurgency-torn Kashmir Valley, which have profound impact on the Kashmir-related discourses, and briefly examines potential trajectories of the Kashmir conflict and the troubled relations between India and Pakistan.

Note

1. See, for instance, [BOSE \(2003\)](#), [COHEN \(2013\)](#), [GANGULY-KAPUR \(2010\)](#), [ISH-TIAQ \(2014\)](#), [JACOB \(2013\)](#), [LAMB \(1991\)](#), [SCHOFIELD \(2003\)](#), [SWAMI \(2007\)](#), [WEBB \(2012\)](#), [WIRSING \(2003\)](#), [WOLPERT \(2010\)](#).

3 Kashmir before and after partition

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3.1 The artificially stitched political entity

The inception of the Princely State of Jammu and Kashmir (PSJ&K) needs to be depicted and investigated as a manifestation of British imperialism in India, with its dire, protracted consequences. The modern political history of what became a PSJ&K, started in the mid-19th century, when the State of Jammu and Kashmir (J&K), consisting of culturally, linguistically, religiously diverse and unrelated regions, was officially established under the Treaty of Amritsar.¹ Gulab Singh became the Maharaja of J&K and acknowledged British supremacy; the Dogra dynasty became a valuable ally of the colonial administration. The accord was a manifestation of the then regional power game, where Kashmir with its inhabitants was treated instrumentally as a reward for Gulab Singh's clandestine assistance to the British in the war against the Sikh state. In the Anglo-Sikh war, Singh remained neutral (some authors claim he supported them militarily²), which enabled victory of the British. The colonialists regarded Sikh territories in the north as strategically crucial in the imperial campaign to extend their spheres of influence in Afghanistan and Central Asia within the power rivalry with the Russian Empire, referred to as 'the Great Game'. The treaty was signed on 16 March 1846 by Singh and by the British government after the defeat of the Sikhs. The 'ignoble, inhumane and humiliating bargain'³ marked the beginning of the history of PSJ&K, a strategically located and artificially stitched political unity. Under the treaty, the imperial British rulers rewarded Gulab Singh from Jammu for his loyalty by selling to him Kashmir for seven and half million Nanakshahi rupees (five million paid immediately, the rest by October 1846) with 'one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmiri shawls'⁴ as annual tribute. The unnaturally united region was treated like purchasable entity, which most Kashmiris till today vehemently resent. Even Karan Singh, the son of Hari stated to B.H. Nehru, the former governor of J&K, that the state was 'a wholly artificial creation, its five separate regions being joined together by the historical accident that Raja Gulab Singh had conquered all the territories over', yet these entities 'had nothing in common with each other'.⁵

The PSJ&K came into being as a creation of British imperialism,⁶ and Dogras owed their power to the British patronage: a peculiar system of colonialism within colonialism was established with disastrous consequences for the local ethno-religious interactions. The state was ruled by the Hindu Dogra dynasty under the control of the British Resident, acting as a Crown Representative. The political and administrative structure was perceived as repressive by the Muslim majority. The Maharaja imposed excessive taxation to cover his expenses when he fought for the British and to simply fulfil his needs and authoritarian aspirations (which was not unusual in the then South Asian princely states). The taxation and other oppressive policies of the regime, as well as natural calamities, like heavy rainfalls before crop gathering accompanied by complete negligence of the villagers' plight, contributed to the disastrous famines of 1865 and the one in 1877–1879, which led to huge loss of life; according to Gowhar [FAZILI \(2011: 2014\)](#), three-fifths of the population starved to death.

The patterns of imperialist rule were implemented into the arbitrarily established state of J&K as the British aimed to bolster the Dogras' power which would help to secure the strategically crucial north-western frontier of India.⁷ Kashmiris turned out to be the main losers of this deal; the transaction was made without popular approval and paved the way for autocratic Hindu Dogra rule, legitimised by the British, which was contested largely everywhere outside Jammu. The status of Jammu, a heartland of Dogras, was substantially enhanced and the Hindu minority (Kashmiri Pandits, Dogra Rajputs) was provided with considerable privileges. From its inception, therefore, the tensions within the princely state had strongly communal character. [Christopher SNEDDEN \(2015: 2\)](#) writes: 'Kashmir was sold like a mere *chattal* to a Hindu for whom Muslims personally already had little respect or regard, and possibly vice versa. Whatever political desires Kashmiris had for their homelands were totally ignored. The sale was a cold, hard real estate transaction in which the Kashmiris were never allowed to offer a bid'.

Paradoxically, it was a representative of the colonial occupier, who largely contributed to spreading the knowledge about the patterns of the abuses. In the mid-1860s, lieutenant Robert Thorp (sometimes spelled as Thorpe⁸), a young British army officer and a son of a Kashmiri woman and British soldier, arrived to Kashmir as a tourist. He travelled across the region and collected first-hand information from the local villagers to meticulously describe the local rivalries, injustice and oppression imposed by the Dogra administration against Kashmiris. The conclusions were documented in British newspapers (he wrote numerous articles) and presented in his book, titled *Cashmere Misgovernment*. 'There is not only no link between the governing class in Cashmere (original spelling—AK) and the native inhabitants of the country, but there are all those deep-rooted antipathies which must exist between Mussulmans and Hindoos. Those who know the feeling that exists between the two races, do not require to be told that a country whose population is entirely composed of followers of one creed and whose governing power is entirely composed of the adherents of the other, must be

oppressive and unjustly ruled', he reported.⁹ Thorp's contribution to revealing and internationalising the scale and patterns of subjugation of the majority population in Kashmir is unprecedented. He openly criticised the authorities, including the Indian government: 'Is it not strange, that the Government of India should have the power to remove by a word these miseries and sufferings, and will not say it? Do those who are in power ever spend thought upon the people whom their predecessors sold into slavery?'¹⁰ Thorp's writings exposed the exploitation of the rural peasantry, the urban weavers/workers and the forced labour (*begār*) by the Dogras. Writing about the condition of shawl weavers, Thorp, poetically, says: 'Those gaily-coloured threads of wool are not the only ones which these looms weave to their completion! Threads of life, more costly than those of the softest *pashm*, whose price will be demanded by Heaven yet, are spun out there on the loom of sickness and suffering'.

Notably, around this time, a peaceful freedom movement began in Kashmir—the shawl weaver's protests of 29 April 1865,¹¹ popularly known as *Shawl Baaf Tehreek* (shawl weavers' movement, *Shāl Bāf Tahrīk*). Earlier, the weavers had protested against low salaries, corruption and high taxes imposed by the Dogra rulers. They demanded reduction of taxes, fixed wages for artisans and codified laws for the shawl industry. The regime neglected the demands and the exploitation was even enhanced by Ranbir Singh,¹² the Maharaja of J&K in the years 1856–1885 (he took the throne following the abdication of his father, Gulab Singh, due to health reasons; Gulab Singh died in 1857). As a result, the weavers took to the streets of Srinagar and marched towards the palace of Kripa Ram, the then Governor of Kashmir. Instead of listening to the pleas of the protesters, the governor decided to use force. The armed forces sent by the authorities to disperse the people opened fire against civilians; 28 people died while trying to escape, and many became seriously injured. The next day the bodies of victims were paraded by the protestors (in an act of solidarity other Muslims joined the weavers) to seek justice from the Dogra regime. The organizers were imprisoned and tortured.¹³ Notably, Ranbir Singh's regime tried to polarise the protesting Muslims along sectarian lines, instigating clashes between employers who were mostly Shī'as and the weavers (mostly Sunnī). Although nowadays not widely commemorated, this organised freedom movement, ruthlessly crushed by the regime, revealed Dogra's brutality. It marks an important date in the pre-partition history of Kashmiri disenfranchised communities and their quest for equal treatment. Did Thorp's writings make a contribution in raising people's awareness of economic dispossession and structured subjugation thus paving the way to the development of Kashmiris' struggle against discrimination in the subsequent decades?¹⁴ If we assume so (albeit it deserves a more extensive research), this would give an additional particular local specificity to the origins and dynamics of Kashmir freedom movement against the tyrannical establishments in colonial India.

Robert Thorp and his remarks on forced, highly dangerous labour on the Gilgit road and the brutal requisition of grain by 'an army of Hindu officials' is

also mentioned by Biscoe¹⁵ in his book published some decades later. According to Mohammad Sultan PAMPORI (1992: 22), Thorp was the first British who openly admitted the unjust blunder the colonisers had committed by selling Kashmir: 'For purposes entirely selfish we deliberately sold millions of human beings in to absolute power of one of the meanest, most voracious, cruel and unprincipled of men that ever sat upon the throne ... The British Government committed an act of gross injustice in forcing the rule of Gulab Singh upon a reluctant people. The sale of Kashmir and its people to the Dogra family of Jammu by the British, shall ever remain a black blot in their character and integrity'.¹⁶ In 1868, Robert Thorp was ordered to leave the Valley and when he refused, he was poisoned, allegedly by the state officials.¹⁷ There was no investigation by the British colonial rulers in New Delhi, which suggests that the authorities did not approve of his activities and criticism, and were content when he disappeared. He was quietly buried in Srinagar. Markedly, in the aftermath of Thorp's campaign, some British soldiers raised 14,000 rupees and requested to send a medical missionary team to Kashmir to provide aid to the people.¹⁸

The policy of what can be perceived as discrimination against the Muslims continued throughout the successive generations of the Dogra regime. The rulers introduced various methods of exploitation: employing Dogras from Jammu and Hindus, including Pandits (high caste Hindus) from Kashmir in state institutions, excluding Muslims from serving in the state's armed forces or even from carrying a firearm. The regime granted privileges to earn favour and loyalty to the state among certain groups, mostly Punjabis and Dogras and a few Kashmiri Pandit bureaucrats.¹⁹ All these policies led to the exclusion of Muslims, political and social deprivation within feudal structures and discrimination on the basis of religion.²⁰ The institution of *begār*, where men, mostly Muslim peasants, were forcefully obliged by the Maharaja's soldiers to perform hazardous jobs for the regime without any remuneration, further alienated the Muslim subjects against Maharaja and the Pandit community.²¹ Obviously, such exploitation was not a novelty introduced by the Dogra regime, but dated back to a tradition of forced labour of the poor practiced for centuries, e.g. during the Mughal and Sikh times.²² In the PSJ&K, *begār* existed in many forms, the worst for those who were forced to carry supplies for the troops deployed in the distant mountain regions of Gilgit or Leh. Many of them died *en-route* during these dangerous missions, due to cold, cholera or starvation, leaving behind the already impoverished families.²³ The pitiable conditions of Muslim workers and poverty-perpetuating structural disenfranchisement led to major protests against the Dogra rule. Notably, the quest for socio-economic reforms and protest against the Maharaja's tyranny in Kashmir evolved in the 1920s²⁴ with greater participation of the Kashmiri Sikh community, who also criticised the Amritsar Treaty and resented Dogra's autocracy.²⁵ In the early 1930s, major disturbances erupted throughout the State.

Kashmiri modern identity politics, Valley-oriented nationalism and desire for freedom from oppressive rule are often regarded as born during the Dogra regime or even earlier. Rekha CHOWDHARY (2016: 3) argues that the

ethnonationalist identity in Kashmir as it evolved since the 1930s, was shaped predominantly by the popular perception of history. A memory of prolonged suppression dates back to the Mughal Empire when Yousuf Shah Chak (viewed as the last Kashmiri who exercised power) was exiled and the Valley was annexed at the end of the 16th century. Mughal control over the region was followed by the Afghans, Sikhs, and finally, by the Dogras, since 1846. The history of subjugation had been deeply embedded in Kashmiris' perception of their history, as Chowdhary underscores, and this narrative has been politicised throughout the decades. The year 1931 can be regarded as the watershed moment in the local communal enmity.²⁶ The riots were sparked that year by the alleged desecration of the Quran by a local Hindu constable. It agitated the Muslims and led to the protests. Conveniently neglecting the rulers' autocratic methods, Nirmal K. SINGH (1991: 57–58) claims that the Muslims 'got the opportunity to resume their traditional anti-Hindu Government activities' and praises the Dogra rule as the one which brought complete stability in political, economic and religious fields, where rule of law and tolerance prevailed. Conversely, multiple manifestations of structured disenfranchisement led to enhanced grievances and ignited the communal feud. The demonstrations erupted in Srinagar and elsewhere and resulted in the attacks against the Hindu community, looting of Hindu-owned shops and other forms of violence. On 13 July 1931, the Maharaja's police fired at crowds, killing 21 Muslim protesters and arresting many more, including Sheikh Mohammad Abdullah (*vide infra*), who then emerged as a leader of the Kashmiri Muslims in the Valley. The violence of Dogra soldiers, supported by the British troops to restore the order, further disrupted communal interactions and led to more organised retaliatory attacks against the Hindu population. Kashmiri protests were covered by the international press for the first time, which described them as a 'revolt' and 'uprising'.²⁷ Nowadays, the commemoration of this event is politicised and symbolically used in accentuating the victimhood narratives. Kashmiri Muslims on both sides of the LoC commemorate 13 July as 'Martyrs' Day', with the Dogra atrocities mirroring, in their eyes, today's activities of the armed forces in the Valley.

3.2 Sheikh Mohammad Abdullah: a deified Lion of Kashmir

In these turbulent times, Sheikh Mohammad Abdullah, who graduated from the prestigious Aligarh Muslim University²⁸ and returned to Kashmir in 1930, earned popularity as a leader of the political awakening in the Valley and organizer of popular Muslim opposition against the Dogra regime. His staunch attitude against the Dogras attracted middle- and upper-class Muslim Kashmiris, and in 1932, he co-founded the All Jammu and Kashmir Muslim Conference with the *mirwaiz* (hereditary chief preacher in Kashmir, *mīrwā'iz*) Mohammed Yusuf Shah. This new platform for the promotion and protection of the rights of the Muslim community had its inaugural session on 15–17 October. For them it was an important political grouping for mobilising the masses and demanding the rights of the marginalised people; the Pandits however accused

Abdullah of stirring communal violence. Following the 1931 massacre and other disturbances, the Glancy Commission (headed by Sir Bertrand Glancy, an English officer of the Foreign Affairs Ministry of the then British Indian Government), was set up by Maharaja Hari Singh, pressurised by the British, with the aim to address the political and economic grievances of Kashmiri people and to offer relevant recommendations. In the report prepared in 1932, the Commission recommended certain reforms to create employment and educational opportunities for the Muslims. It highlighted numerous conversions to Islam and questioned the Pandits' claims to control Muslim places of worship. The Commission's conclusions seemed to bolster the Muslims' position within the socio-political space of Kashmir. Not surprisingly, the apprehensions were raised among the Hindu Pandits, who at that time comprised 5% of the Valley's population, yet as traditionally influential elite, they had a very powerful, historically inherited position in its socio-political framework. Unwilling to give up their dominant role, in 1932 they launched an agitation with the aim to avoid implementing the Glancy Commission's proposals.²⁹

Markedly, albeit with Muslim majority, PSJ&K was characterised by notable religious diversity. According to the Census of India, 1941, PSJ&K was inhabited by 77.06% Muslim majority, 20.46% Hindus and approximately 3% others (Sikhs, Buddhists). The state consisted of three provinces: Jammu (61.19% Muslims, 37.19% Hindus; Jammu town was a winter capital; Dogra ruler, his administration and army came mostly from this province as it had largest Hindu community), Kashmir (93.48% Muslims, 4.95% Hindus, mostly Kashmiri Pandits; Srinagar was a summer capital), and the Frontier Districts (77.06% Muslims, 20.46% Hindus; it included Himalaya regions of the Ladakh District, Gilgit Leased Area and the Gilgit Agency). The number of Muslims increased 10% in the years 1931–1941.³⁰ The total population of the State according to the census of 1941 was 4,021,616, including 3,101,247 Muslims, 809,165 Hindus, 65,903 Sikhs, 40,696 Buddhists and 4,605 others. The increase of population in the years 1931–1941 was 10.3% against 9.8% in the previous decade.³¹

In the late 1930s, Sheikh Abdullah, who became so popular among the Kashmiris in the Valley that he earned the appellation *Sher-e-Kashmir* (the Lion of Kashmir, *Sher-e-Kashmīr*), entered into closer cooperation with the Indian National Congress, an organisation struggling against British rule in India, and its leader, Pandit Jawaharlal Nehru. At that time they had common interests: Kashmiri and Indian nationalism developed simultaneously, and for a short period of time, shared similar trajectories. Sheikh, at least declaratively, abandoned Muslim orthodoxy in favour of a more secular approach.³² In 1935, in a bid to popularise a more progressive rhetoric, Abdullah launched an Urdu weekly, *Hamdard*, in cooperation with Prem Nath Bazaz, a Kashmiri Pandit secularist and democrat. In June 1939, the Sheikh renamed the Muslim Conference to the All Jammu and Kashmir National Conference (NC), opening it to all communities.³³ This decision helped to establish cooperation with Congress and allowed to formulate the outlines of secular Kashmiri nationalism, accentuating the region's

religious and ethnic uniqueness, which evolved in 1930s under the concept of *Kashmīrīyat*. It was a distinctive political project, propagated and utilised by the NC in its nation-building campaigns. It rejected Pakistani two-nation theory, praised communal harmony, common customs and traditions by referring to the historically shaped vision of syncretic indigenous Kashmiri identity,³⁴ which had developed in the Valley over the centuries.

The vernacular traditions of Buddhism, Śaivism and Islam, which need to be briefly invoked here, indeed constitute important pillars of ethos, identity and intellectual heritage of the Kashmir Valley. The spirit of Hindu-Muslim syncretism is often personified by Lal Ded ('Granny Lal', *Lallā Dēd*, referred to as *Lalla Ārifā* by Muslim scholars, while Kashmiri Pandits and Hindus usually call her *Lalleśvarī* or *Lallā Yogīśvarī*³⁵), a 14th-century (born in 1335 near Srinagar to a Pandit family³⁶) poetess and mystic. Lal Ded is often portrayed as a central figure and manifestation of Kashmiri ethos with fluid religious boundaries.³⁷ This Śaiva *yoginī*, influenced Kashmiri Śūfīsm, and Kashmiri tradition relates her to *Shaykh Nūr-ud-dīn* known also as Nund Rishi (1377–1438), the founder of the Rīshī order. She became a symbol of Kashmiri syncretic culture and public narrative passed from generation to generation, a spiritual guide, who questioned Brahmanical orthodoxy, and composed poems and stories in Kashmiri, thus earning the title of the 'Shakespeare of Kashmiri language'.³⁸ She was understood and venerated as a prophetess by people from different strata of society³⁹—intellectuals and the illiterate can recite her *vākhs*, or *Lalleśvarī-vākyāni*, 'Lalleśvarīs sayings', i.e. devotional poetic compositions. M.H. Zaffar, the Kashmiri Muslim poet and researcher, writes: 'Despite being an illiterate Kashmiri, my mother remembered many a *vākhs* of Lal-Ded and many a *shrukh* of Nund Rishi, which she used to recite to me when I was a child. (...) This was the kind of education that I got from my illiterate mother and this gave me my identity. (...) The very name Nund Rishi connects me with 5,000 years of my history. The spiritual and aesthetic values that have come down to us from our Rishis and Munis have been a great source of inspiration for all Kashmiris'.⁴⁰

The stories about Lal Ded, Nund Rishi or Sayyid Ali Hamdani, 'semi-divine figures, who transcended the boundaries of times and space', as Chitrlekha Zutshi argues, are repeated by Kashmiri scholars and laypeople who consider them a crucial point of reference in Kashmir's history and had heard these stories from their elders or *pīrs* (spiritual guides). Distinctive Kashmiri historicity and multiple public narratives constitute a 'dense network of stories, ideas, and genres that interacted and circulated in several languages and in multiple media through the intersection of variety of individuals'. This narrative continued to function irrespective of political boundaries and colonial projects.⁴¹ ZUTSHI (2003: 2) also rightfully warns against the idealised perception of syncretic coexistence 'refracted through rose-tinted glasses, in which Kashmir appears as a unique region where religious communities lived in the harmony since time immemorial and differences in religion did not translate into acrimonious conflict until external intervention'.

Kashmīrīyat as the National Conference propagated, politicised the construct of local secular nationalism, albeit with assumed Muslim domination. It was not genuinely inclusive and never gained popularity in Hindu- or Buddhist-dominated regions in Jammu and Ladakh, respectively, which regarded it as a threat to their own distinctive identity. Neither did all Kashmiri Muslims accept it. Abdullah's inclusive pledge of representing all people of J&K was gradually replaced by Kashmiri Muslims-oriented identity.⁴² It 'alienated several sectors of the population through its policies'⁴³, including some Hindus from Jammu region who perceived the Conference government as pro-Kashmir Valley, Kashmiri Pandits and other Hindus, and some Kashmiri Muslims who felt that their religious identity was repressed by secular nationalism.

It needs to be highlighted that since the 1980s, Kashmir's identity narratives and perception of history have undergone a noteworthy shift, with the syncretic Šūfī traditions and Kashmīrīyat secular leanings being growingly challenged and rejected as hostile and un-Islamic by the proponents of radical Islam and anti-India insurgency with *jihād*ist rhetoric, or taken over and partially appropriated by local, popular perceptions, embedded in Muslim-oriented narrative.⁴⁴ This process of syncretic ethos annihilation was exacerbated by a combination of local and national factors: first, by the eviction of Pandits from the Valley in early 1990s, second, by Hindutva policies gradually taking space in India with inability of Congress to oppose them, and finally, by growing rejection of secularism and inclusiveness in the BJP-ruled India.

The depictions of Sheikh Abdullah vary between the hero who gave his life to the Kashmiri struggle and a smart orator, obsessed with the quest for power, who did not tolerate differing opinions. In Sheikh's hagiographic biography, Syed Taffazull HUSSAIN (2016: 66) presents him as the hero whose major life goal was to serve the oppressed people and to secure their rights and dignity. Nonetheless, the idealised image of a leader who represents all inhabitants of J&K is often questioned.⁴⁵ Over the decades, the leadership of the National Conference meticulously tried to reinforce Sheikh's image as deified (there were popular stories on his miraculous healing powers, which made people to view him as a *pir*)⁴⁶ spokesperson for Kashmir and maintain his popular support. The officials, who worked closely with Abdullah: Ghulam Ahmad, his principal secretary, and Josef Korbel (Czech-American diplomat, engaged in Kashmir issue as a chair of the United Nations Commission for India and Pakistan, UNCIP) were largely sceptical about his leadership, though. The former describes Abdullah as a canny demagogue and crowd-pleaser, who 'used different languages at different places and on different occasions, depending upon the mood and response of the audience'.⁴⁷ Korbel's assessment is more temperate: 'the story of Sheikh Abdullah is a sad and sorry one. It is a story of a patriot, once passionately devoted to his people's welfare, but whose patriotism was too shallow to reject the temptations of power'. Wani argues that Sheikh was struggling with his two mutually opposing ambitions—the desire for independence, and the quest for power. He corroborates Abdullah's doublespeak as 'proverbial' among

his political rivals, who accused him of being ‘communalist in Kashmir, a communist in Jammu and a nationalist in India’.⁴⁸

Popular mobilisation in Kashmir in the 1930s was materialised in the form of grievances and uprisings against the Dogra rule. A decade later, in 1944, time marked by uncertainty regarding the future of the PSJ&K, the *Nayā Kaśmīr* (New Kashmir) manifesto was announced by Sheikh. It adhered rather to a nationalist, not religious, Kashmiri narrative and was based largely on socialist, secular principles. It was obviously perceived as too progressive by many Muslim activists. The rivalry between the former allies: the Sheikh and the *mīrwā‘iz* of Kashmir escalated. Islamic conservatives, who vehemently disapproved of what they perceived as secularisation, inaugurated the Muslim Conference and cooperated with Mohammad Jinnah’s All-India Muslim League. In May 1946, the ‘Quit Kashmir’ movement, parallel to India’s anti-British campaign (inaugurated in 1942), was launched by Sheikh; it was brutally suppressed by the Dogra (Hari Singh) regime. The popular agitation demanded the sovereignty of the people and at the same time gave rise to Sheikh’s popularity, thus largely fulfilling his leadership-oriented political ambitions.

3.3 The accession to India and the question of plebiscite

At the time of partition of the subcontinent, J&K was the largest of 562⁴⁹ Indian princely states with an area of 222,870 sq km, and with a population of approximately four million. It was pivotally located at the crossroads of ancient civilizations in the north and north-west of India. The unique, natural beauty of Kashmir once prompted Jahangir, the Mughal emperor, to call it a ‘paradise on earth’.⁵⁰ This denomination became a significant component of the Indian and Pakistani political discourses and practices in the post-partition era.

Maharaja Hari Singh, just as other rulers of the princely states who enjoyed quasi-royal status and a privileged position under the British colonial occupation, soon had to decide between joining India or Pakistan. Lord Mountbatten of Burma, who succeeded Field Marshal Lord Wavell as India’s last Viceroy in March 1947, prepared basic instructions for the rulers of the princely states to help guide their decisions. According to these instructions, the rulers had to take into consideration geographical factors and the religion of their populations; the will of the princely states’ subjects regarding the future status of their homelands was neglected. Theoretically, the states could remain or become independent, but the pro-accession campaign strongly determined their fate as parts of either dominion (India or Pakistan). The independence option for the individual princely states was strongly discouraged by the then Viceroy Louis Mountbatten, which was obvious from the perspective of the British rulers as well as Muslim League and Congress political elites. Establishing more than two sovereign states in the Subcontinent was not in the interests of those who were about to decide its future. The rulers of the vast majority of the states accepted joining India or

Pakistan once the paramountcy of the British lapsed as the colonial authorities left the Subcontinent. Predominantly Muslim princely states joined Pakistan, those with Hindu majorities acceded to India. The major problems appeared *inter alia* in Junagadh (Muslim ruler, Hindu majority population; the leadership⁵¹ declared Junagadh's accession to Pakistan although it did not have any land connection), Hyderabad (Muslim nizam, Hindu subjects) and J&K (Hindu ruler, Muslim subjects). Hyderabad and Junagadh were later incorporated into India by force. From the beginning, PSJ&K, which bordered both India and Pakistan, posed a serious challenge.⁵²

The geographic and economic links between J&K and the newly created Pakistan were better than those with India, and three quarters of the Maharaja's subjects were Muslims. Hari Singh, being the Hindu ruler, was reluctant to join Pakistan. Meanwhile, public dissatisfaction with oppressive Dogra rule that included excessive taxation and other forms of exploitation, took the form of a rebellion against the regime, which broke out among the Muslim members of the Maharaja's army in the Poonch *jāgīr* (western Jammu) in June 1947.⁵³ The people of Poonch had a reputation as sturdy fighters; in the early 1920s, Tyndale BISCOE (1922: 78) pointed out that 'the Poonch state gave more recruits for the Indian army than any other part of the Indian empire'. The men of Poonch served during World War I (20,000 soldiers) and World War II (when at least 60,000 ex-soldiers returned); consequently they were perceived as battle-hardened and bellicose, unlike the men from the Valley.⁵⁴ Major William Brown, the British commandant of the Gilgit Scouts, paramilitary forces in Gilgit Agency (GA), decided to side with the Poonch rebels and hand over the territory to Pakistan on 4 November 1947.⁵⁵ Alastair LAMB (1991: 14) points out that although 'Poonch formally became an integral part of Jammu and Kashmir in 1935–36, its Muslim inhabitants (some 380,000 out of a total of 420,000) resented the change and never reconciled themselves to being subjects of that State'. The Poonchies had very little in common with their neighbours in Kashmir Valley across the Pir Panjal Range, and even less with Jammu: their links had always been across the Jhelum, particularly in the Hazara District of the North-West Frontier Province. This popular attitude gained significance in 1947 when the Poonch uprising broke out. The communal, violent atmosphere of partition reached other parts of Jammu, where, in September 1947, the clashes escalated between Hindus and Sikhs (with pro-India stance dominating particularly in the eastern chunks of Jammu) and pro-Pakistan Muslims from the western parts.⁵⁶

The transfer of power in other regions, for example, in Gilgit Agency (GA, today part of Gilgit-Baltistan, PaJK, Pakistani-administered Jammu and Kashmir), had their own interesting dynamics, which was overshadowed by the tussle in Kashmir Valley. Strategically important, GA was created in 1877 and then reestablished and administered by the British in 1889 (after they had briefly left in 1881) to upgrade their position against Russia within the Great Game power rivalry. Aiming to bolster their control in these remote northern parts of PSJ&K in the era of enhanced Soviet influences in Central Asia in the

1920s, and later, in Kashgar, (SNEDDEN 2015: 117–118) in 1935, the British leased Gilgit Agency from the Dogras for 100 years. It included Gilgit town and surrounding tehsils (inter alia Hunza, Chilas and Nagar). The region was further militarised and administered by a British Political Agent from the Indian Government's Political Department. On the eve of Subcontinent partition in June 1947, it was transferred to J&K, but the government of J&K never had complete control over this region.⁵⁷ The transfer of power exacerbated the local tensions, which escalated following the accession of J&K to India in October 1947. It led to a revolt, which brought the region (GA and adjacent Hunza and Nagar) under Pakistan's control; Major William Brown is often credited as the key initiator of the anti-Dogra rebellion, but this is still a subject of discussion. BANGASH (2010: 118–119) notes that Pakistani authorities sent a political agent there on 16 November—two weeks after the announcement of accession to Pakistan, which seemed to prove that the leadership, focused on the Valley, did not take much interest in the dynamics in GA.

Several attempts were made to convince Maharaja Hari Singh to accede to either dominion. In mid-June 1947, Viceroy Louis Mountbatten visited Kashmir and urged him to decide which dominion to join before 15 August. The mission was unsuccessful: due to an alleged, and probably 'diplomatic' (to avoid the meeting⁵⁸), 'sudden attack of colic pain', Maharaja cancelled the encounter with Mountbatten on the last day of the latter's stay in the Valley. Hari Singh tried to postpone his final decision, even opting for independence. A staunch proponent of Hindutva, Madhav Golwalkar, the head (in the years 1940–1973) of the RSS (far-right Hindu supremacist National Volunteer Organization), visited Srinagar to convince Hari Singh to join India. He highlighted religious affiliation and even promised infrastructural development: 'You are a Hindu raja. To accede to Pakistan means your Hindu subjects will have to struggle for their existence. It is correct that at present there is no rail, road and air link with India, but within a short period of time these will be available to your state'.⁵⁹ By 15 August 1947, when all princely rulers had to take their decisions, PSJ&K had not acceded either to India or Pakistan. Instead, on 12 August, the Maharaja offered to sign standstill agreements with both dominions wishing for enabling free movement of people and goods across borders.⁶⁰ India refused to sign a standstill agreement. Three days later Pakistan signed the agreement and its government assumed the charge to operate Kashmir's posts and telegraphs.⁶¹ For approximately two months, Pakistan provided supplies of flour, sugar, kerosene and petrol along the Jhelum Valley Road; timber was exported from Kashmir.⁶² Thereafter, Pakistan started the economic blockade against J&K to pressure the Maharaja to accede to Pakistan. The blockade evoked protests, so Singh released imprisoned Sheikh Abdullah on 29 September 1947. Sheikh addressed a rally in Srinagar, at the famous Hazratbal mosque, where he demanded 'freedom before accession', a complete transfer of power to the people in Kashmir, who should decide about their future,⁶³ and he criticised the founder of Pakistan, Muhammad Ali Jinnah:

How can Muslim League or Mr. Jinnah tell us that we should accede to Pakistan? They have always opposed us in every struggle. Even in our present struggle (Quit Kashmir) he (Mr. Jinnah) carried on propaganda against us and went on saying that there was no struggle of any kind in the State. He even termed us Goondas (rascals—AK).⁶⁴

The invasion of Pashtun tribes in October 1947, reinforced by regular Pakistani troops into Kashmir, compelled the Maharaja to make efforts to legitimise the access to India in return for military aid from the Indian army. Hari Singh's troops were unable to push back the attack on their own. There is no doubt that the irregulars (which included Hazara and Afridi tribesmen and paramilitary forces such as the Muslim League National Guards), armed with modern weapons, invaded Kashmir with Pakistani support⁶⁵ and some of the invaders were in fact disguised Pakistani soldiers.⁶⁶ Many marauders were lured by the vision of looting and plundering goods, as well as kidnaping and raping Kashmiri women, who were perceived as attractive trophy due to their fair skin.⁶⁷ Mohammad Saeed ASAD (2010: 90) provides eyewitness accounts of the ghastly atrocities perpetrated by the tribesmen upon Kashmiris. The stories confirm the devastation of social structure with unprecedented brutality: the killing of Hindus and Sikhs, looting, raping or abducting women and forcing them to convert to Islam and marry Muslims, the theft of jewellery, punishing with death those Kashmiri Muslims who tried to save their non-Muslim friends and neighbours: 'Muzaffarabad had transformed from a happy, cheerful abode to a picture of doom and gloom. The savage Pathans (...) entered homes and took whatever they desired. They made a point of carefully collecting all valuables they could lay their hands on and loading them onto the trucks they had brought with them. Numerous trucks were loaded with entire contents of houses and taken away to the Tribal Belt (...) anyone who dared to protest was gunned down immediately. In their hunt for jewellery they made no distinction between Muslims and non-Muslims'. The invasion resulted in declaring provisional formation of Azad Jammu and Kashmir (AJK), 'liberated' by Muslim rebels from the Dogra rule. The region later became Pakistan-controlled AJK.

The Instrument of Accession of the State of Jammu & Kashmir (IoAJ&K) to India, dated 26 October 1947, signed by Hari Singh alarmed by Pashtun aggression, and approved by Lord Mountbatten, opened a new chapter in Kashmir's history. There was a noteworthy political dynamics in India with regard to the terms of accession and eventual plebiscite in Kashmir. In the late 1940s, the administration of Jawaharlal Nehru, the first Prime Minister of India, acknowledged the temporary and provisional conditions of Kashmir's accession and future settlement to be decided by the Kashmiris once peace and order were restored. In his telegram to Pakistani Prime Minister Liaquat Ali Khan⁶⁸, dated 4 November 1947, Nehru declared his intention to respect the will of Kashmir inhabitants regarding their future:

I wish to draw your attention to broadcast on Kashmir, which I made last evening. I have stated our Government's policy and made it clear that we have no desire to impose our will on Kashmir, but to leave final decision to people of Kashmir.

Notably, Nehru later changed his stance on the plebiscite, directing blame on Pakistan's aggression and accusing it of non-fulfilment of the conditions for an impartial referendum (Pakistan did not withdraw its forces). On 24 July 1951, he wrote to Khan:

The charge that India has persistently refused to allow peaceful solution through a free plebiscite in Kashmir is as we have repeatedly pointed out wholly baseless. It is the armed aggression of Pakistan against Kashmir and the continuing presence of Pakistan armies there that has come in a way of a peaceful solution.⁶⁹

He assumed the plebiscite was no longer necessary, perhaps because of India's concerns over the possible outcome of the referendum. He also took a stand against any international mediation, projecting Kashmir as the internal matter of India. The incorporation of Kashmir into India was crucial in Nehru's political strategy, the aim of which was to create India as a secular state where all minorities could peacefully coexist. The fate, the rights and freedoms and, above all, the will of the residents of Kashmir regarding the future status of their homeland were not raised on the bilateral or international level. Pakistan did not abandon its claims vis-à-vis IaJK (Indian-administered Jammu and Kashmir). At the same time, both dominions were struggling to secure their interests in the challenging post-partition era and Cold War realities—and this was the major point of reference in their respective internal and foreign strategies.

Indo-Pakistani talks continued in Delhi during the visit of Muhammad Ali Bogra, the then, already the third, Prime Minister of Pakistan. The Bogra-Nehru talks surprisingly resulted in a decision to select a new Plebiscite Administrator by April 1954. The process was soon thwarted, however, and one of the reasons was the United States' decision to provide military aid to Pakistan.⁷⁰ Nehru used the diplomatic and defence cooperation between Pakistan and the United States in the 1950s as the anti-plebiscite argument and an opportunity to rule out the referendum and protest against the military empowerment of Pakistan by the West. Conspicuously, in order to abandon the idea of a popular referendum publicly, India pointed to the local elections in Kashmir, which were held in 1954, arguing that a plebiscite was not needed anymore.⁷¹

Meanwhile, Sheikh Abdullah became the Prime Minister of the National Conference (NC) government of J&K in March 1948 with the support of Jawaharlal Nehru. The NC governance system favoured the Valley and its Muslim majority in political, economic, and administrative matters, leaving Jammu and Ladakh disenfranchised and bolstering their will to seek separation from the Valley.⁷² The inadequate response of the NC and the Congress

to the expectations of Jammu and Ladakh inhabitants, resulted in agitations in these regions against Kashmiri Muslims domination in the intra-J&K discourse; they regularly escalated over the next decades. Although Abdullah did not specify any concrete plans for independence,⁷³ he became disillusioned with India's approach and the NC examined the constitutional options for the whole state. As a consequence, the central authorities became increasingly disenchanted with India's approach and the NC examined the constitutional options for the whole state. As a consequence, the Centre became more suspicious towards him. Kashmiri and Indian nationalisms became irreconcilable in the early 1950s. ZUTSHI (2003: 314) argues that the reflections on the future of Kashmir went beyond Hindu-Muslim divisions, but since India was gradually leaning towards the option of settling Kashmir's accession without reference to the people's opinions, Kashmiri Muslims, who regarded such policies as oppressive, turned more towards Pakistan. 'Even ardent nationalists who had been in India's favor had begun to speak in terms of the state's association with Pakistan'. Yet, many secular nationalists regarded independence as the only option. The communal narratives were gradually bolstered and heralded future tensions. Jammu Dogra Hindus, who did not recognize Abdullah government, established the right-wing party, Praja Parishad (Prajā Pariṣad, PP), which demanded the immediate merger of Jammu to India, irrespective of what would happen to the Valley, and rejected J&K's special status under Article 370 of Indian Constitution, adopted in October 1949.⁷⁴ The PP members advocated India's unity, claimed to defend Hindu culture against Kashmiri Muslims domination, and rejected the Valley-oriented Kashmiri nationalism. They had support of other non-Muslims, for example, Ladakhi Buddhists and those Hindu landlords who lost their properties without compensation in the aftermath of the 1950–1951 land reforms and felt marginalised by J&K government jobs allocation to Muslims. Since the significant part of the cultivated land in Ladakh is owned by the monasteries, the reforms were perceived in this chunk of J&K as an attack against the Buddhist clergy.⁷⁵

Sheikh Abdullah was undemocratically dismissed in Delhi-orchestrated *coup d'état* and arrested in August 1953 by Nehru under the Public Safety Act. It happened two months after Working Committee of the National Conference released a report on Kashmir settlement with potential future scenarios that included the plebiscite in all chunks and the option of independence of the whole State. The Sheikh's dismissal, followed by installing compliant regimes in Kashmir, illustrated a culmination of the shift in Nehru's stance towards Kashmir with abandoning of his formerly declared support for an impartial plebiscite. Sheikh was accused of corruption, misconduct and foreign contacts which allegedly undermined New Delhi's security interests (the narrative used until today by the military/civilian establishments in South Asia and elsewhere to deprive popular leaders of their political and social influences). Abdullah's dismissal had a profound impact on the future interactions between the Kashmiri Muslims and the

government in New Delhi. Having a sense of growing marginalisation, they rejected India's increasingly authoritarian methods and Nehru's administration was perfectly aware of the rising *pro-āzādī*⁷⁶ movement in Kashmir. In 1955, the Plebiscite Front was established by the supporters of the Sheikh. The well-structured, grassroots-level movement adhered to the slogans of self-determination and just resolution of the conflict in accordance with the people's will expressed in the plebiscite.⁷⁷ It called for unity between Muslims, Hindus and Sikhs and praised Abdullah. The state reacted aggressively and persecuted the advocates of self-determination; such policy heightened apprehensions primarily among Kashmiri Muslims that New Delhi was acting as a colonial occupier, aiming at the complete, state-imposed control over Kashmir and its full accession to India. They reckoned that the Dogra regime had been replaced by New Delhi's occupation and interpreted the situation as an ongoing attack against their identity and freedom.

Notes

1. ToA.
2. HÖNIG (2000: 27).
3. HASAN-FAROOQI (1992: 18).
4. ToA.
5. Quoted by NOORANI (2006).
6. WANI (2019: 30).
7. RAI (2018: 33).
8. See: BHAT (2015b).
9. THORP (1973: 61). The book authored by S.N. GADRU (1973) contains another critical text against the Dogra rule published in London in 1868 by Arthur Brinckman, titled *The Wrongs of Cashmere. A Plea for the Deliverance of that Beautiful Country from the Slavery and Oppression Under which it is Going to Ruin*. Robert Thorp's *Cashmere Misgovernment* was first published in the same year. See also: BRINCKMAN-THORP (1996), with both texts reprinted, published in Srinagar. Notably, on the cover of the Calcutta edition THORP (1868) wrote: 'dedicated (without permission) to Her Majesty's Government of India'.
10. BRINCKMAN-THORP (1996: 90).
11. Shawl industry was at that time the most important industry in Kashmir in terms of employment and income. Muhammad Yousuf Saraf, a Baramulla born (migrated to Pakistan during partition) Chief Justice of Azad Kashmir Court, who authored a two-volume book *Kashmiris Fight for Freedom*, wrote, that 27,000 weavers were employed in the shawl industry (SARAF 1977: 290). See also: FAYAZ (2016).
12. FAYAZ (2016).
13. SARAF (1977: 291), FAYAZ (2016).
14. Thorp described in detail the Kashmir shawl industry, the misery and desperation of the weavers, and portrayed the fate of those who migrated from Kashmir to Punjab in search for a better life (BRINCKMAN-THORP 1996: 84–95).
15. BISCOE (1922: 234–237).
16. Also: THORP (1973: 17).
17. By 'the murderers employed by the Maharaja', according to PAMPORI (1992: 55).
18. MIR-CONNELL-MIR (2008: 85).
19. ZUTSHI (2003: 71).
20. MATHUR (2016: 22).

21. BEHERA (2000: 44).
22. See: BAMZAI (1994, II: 408; III: 630), LONE (2012: 861–862). It was also enforced in other parts of South Asia, down to Andhra and Tamil Nadu. See: BAYLY (2008: 204–210).
23. Unburied bodies were not an uncommon view. LONE (2012: 861) writes: ‘the third Dogra ruler, Maharaja Pratap Singh (1885–1925), while on an inspection tour to Gilgit in 1893, himself saw skulls and bones of men’. More: LAWRENCE (1895: 413). The author served as settlement commissioner in the PSJ&K during the rule of Pratab Singh.
24. The dissent was also influenced by the struggle against British colonial oppression in India. In particular, the Rowlatt Acts of 1919 (a premeditated (il)legal tool of oppression against political activists; it permitted trials without juries and detention of political prisoners without trial) and Amritsar (Jallianwala Bagh) Massacre of April 1919 (British troops indiscriminately killed protesting unarmed civilians), became key turning points in India’s freedom movement.
25. On the identity of Kashmiri Sikhs and their participation in political movement in Kashmir: KAUR (2010: 236–243).
26. SINGH (1991: 145–146).
27. WHITEHEAD (2018: 72).
28. Yasmin KHAN (2017: 40) notes: ‘Created by Syed Ahmed Khan in the nineteenth century, Aligarh Muslim University was intended as a place to blend Islamic instruction with the demands of the encounter with the western world, an institution that would impart all the manners and educational benefits that an English public school could offer to well-heeled Muslims’.
29. The Commission also proposed to establish a state’s legislative assembly, the Praja Sabha. It was to have seventy-five members, but, of its sixty non-official representatives, only thirty-three were to be elected (21 seats reserved for Muslims, 10 for Hindus and 2 for Sikhs), leaving the maharaja with the majority vote. SCHOFIELD (2003: 18), Census of India (1941: 5).
30. Census of India (1941: 3–9; tab. XIII, 338), BOSE (2003: 16).
31. ARJK (1944: 11).
32. WEBB (2012: 26).
33. Prem Nath Bazaz, a renowned Pandit leader from Srinagar, who staunchly supported freedom for Kashmir and coined the slogan ‘Kashmir belongs to Kashmiris’, cooperated at that time with Abdullah, but in 1940, he left the NC, manifesting his and some other Pandits’ disenchantment with its communalism and ties with the Congress. Corresponding with Gandhi and Nehru (letters quoted by ZUTSHI 2003: 279), Bazaz understood that Congress leaders would give up the interests of Kashmiris in their struggle for Indian independence.
34. CHOWDHARY and RAO (2004: 1525) assess Kashmīriyat as ‘an idiom construed to represent the secular ideology of Kashmiri regionalism and pluralism entailing respect for differences as well as an inclusive politics’.
35. Pioneering works are those of GRIERSON–BARNETT (1920). Her poems have been translated on other occasions, see for instance: TEMPLE (1924) and HOSKOTE (2013). See also ZAFFAR (2012: 71).
36. TIKOO (1979: 47–48).
37. ZUTSHI (2003: 21).
38. KAW (2004: 367) quoting after KACHRU (1981: 15), who in fact merely states: ‘Lallā is as much a part of Kashmiri literature, and culture as Shakespeare is of English, Hāfiz of Persian and Kabīr and Tulsīdās of Hindi’.
39. TEMPLE (1924: 81) points out the significance of Lal Ded’s poetry and its impact on the common man: ‘The *vaakhs* of Laleshwari have become part of day to day conversation in Kashmiri households. Her religion is not bookish. Her religion is a mix of people, hopes and miseries’.

40. ZAFFAR (2012: 72).
41. More: ZUTSHI (2014: 249, 288, 295–296).
42. BEHERA (2006: 113).
43. ZUTSHI (2010: 50).
44. Discussion with Kashmiri Muslims (Srinagar, 2013), who praised Lal Ded, but simultaneously (and inappropriately) proudly accentuated that she converted from Hinduism to Islam.
45. See: BEHERA (2012b: 170–171), WANI (2019: 286–289).
46. AHMAD (2008: 30).
47. WANI (2019: 285). See also: AHMAD (2008: 8–9).
48. WANI (2019: 285).
49. The number of the princely states varies between 562 and 584. SNEDDEN (2015: 135).
50. SNEDDEN (2015: 33).
51. Shah Nawaz Bhutto (Zulfiqar Ali Bhutto's father and Benazir Bhutto's grandfather) was a Chief Minister (Dewan) at that time.
52. KAPUR (2011: 67).
53. It was not the first dissent in this region: in the 1830's, Shams-ud-Din, the governor of Poonch rebelled against the Dogras with the support of local Muslim chieftains. The insurrection was brutally suppressed by Gulab Singh who personally participated in the carnage and ordered the bodies of the rebels to be displayed to dissuade their potential followers (VIGNE 1842: 24).
54. LAMB (1994: 60).
55. CLOUGHLEY (2014: 19).
56. More SNEDDEN (2012).
57. BANGASH (2010: 117).
58. SINGH (1998: 57).
59. SAHGAL (2011: 270).
60. Standstill Agreement, see GROVER (1995: 106).
61. BRECHER (1953: 23), BOSE (2003: 33).
62. LAMB (1994: 66).
63. By 'people of Kashmir' he meant primarily the inhabitants of the Valley.
64. ANAND (1964: 78).
65. BEHERA (2006: 74), SWAMI (2007: 15), SNEDDEN (2015: 272), SCHOFIELD (2003: xi), ASAD (2010: 45–51).
66. GANGULY–KAPUR (2010: 11).
67. There is a historically inherited, ideologically-structured and gendered perception of Kashmiri women in today's rhetoric of Hindu fundamentalists in India, which manifests itself by political parlance of some leaders vis-à-vis Kashmir, where women are viewed as a valuable asset.
68. Assassinated during a public rally in Rawalpindi on 16 October 1951 by an ultra-nationalist Afghani Pashtun.
69. *White Paper* (1951: 12).
70. KUX (2001: 66).
71. SHANKAR (2016: 1–21).
72. More: BEHERA (2006: 109–114). After partition, Ladakh and Kargil were incorporated into a state of Jammu and Kashmir, which was at odds with the Ladakhi leadership's objectives. In 1979, the regions became separate districts within J&K.
73. WANI (2019: 289) argues that Abdullah 'never ceased to nurse a dream of an independent Kashmir'.
74. On Article 370: BALCEROWICZ–KUSZEWSKA (2022b).
75. BEHERA (2006: 109).
76. *Azadi* (*āzādī*) means freedom in Hindi, Urdu and Kashmiri (from Persian).
77. WANI (2019: 272).

4 India-Pakistan relations in the formative decades

Agnieszka Kuszewska

4.1 Partition of the subcontinent and the first Kashmir war

The origins of the Indo-Pakistani conflict can be traced back to the end of British colonialism in India and hastily arranged partition of the subcontinent. Lord Louis Mountbatten, the last Viceroy and Governor-General of India, who arrived to India on 22 March 1947, presented a partition plan soon after, on 2 June 1947, pushing up the dates for the transfer of power and independence of India and Pakistan from the previously planned June 1948 to 15 August 1947.¹ The Boundary Commissions, dealing with the partition of the Punjab and Bengal, respectively, were chaired by Sir Cyril Radcliffe, the British jurist, who had no knowledge or experience in Indian affairs and had never visited India before. He came on 8 July to perform the duty of dividing India into two dominions by August; to fulfill this task he was assisted by the representatives of the two future dominions: two were delegated from the Muslim League and two from the Congress. The latter's representative, Mehr Chand Mahajan, later became the Prime Minister of Jammu and Kashmir during the state's accession to India in October 1947. The Radcliffe Award demarcated the international border, and the details were made public on 17 August—two days after the official independence of India and Pakistan.

The partition was a traumatic process of hastily implemented transfer of power, which unleashed bloodshed on an unprecedented scale in the history of South Asia and probably of the world, characterised by massive migrations, extensive ethnic cleansing and communal violence.² To describe the unparalleled atrocities, [Ishtiaq AHMED \(2014: xxxiii\)](#) quotes Reginald Massey, a Punjabi Christian, veteran writer and journalist, who left Lahore to travel to India with his family: 'I can never, till my dying day, forgive the British, who in their utter panic lost their nerve and left my country in such a blood soaked mess'(...) The scenes on the road going past the Shalimar Gardens, Jallo, Batanagar and Burki were horrific. (...). I saw corpses and mutilated limbs on either side of the road. The lamentations and the wailing were scenes from Dante's Inferno. After crossing the Wagah-Attari border into India, the scenes were, if truth be told, worse. Master Tara Singh's (a prominent Sikh leader and advocate of the Sikh-majority state in Punjab—AK)

Akali cohorts massacred the poor Muslims of East Punjab indiscriminately. Muslim girls were raped by the thousands. Gandhi's cries for communal harmony made no impression whatsoever. The Punjab was convulsed with insanity'. Similar ruthless act of violence were committed by Muslims on Hindus and Sikhs: all communities were victims of communal hatred and perpetrators of crimes, including large scale arson, murder of men, women and children, looting, forcible conversions and abduction of women.³ Many more bone-chilling depositions by those involved could be invoked here and it has to be emphasised that these incidents are deeply engraved in the collective memory of victimhood and traumas brought by the partition period. The hastiness of partition, for which Lord Mountbatten is rightfully blamed, not only paved the way to the conflict between the two nascent states and precipitated new security-related problems but also introduced unalterable political, economic and social changes in South Asia. The process of violent, forced separation involved historically unprecedented mass eviction and tragic population transfers.⁴ By the time it was over, approximately one million people had died and more than fifteen million had been displaced.

The process of partition with the subsequent bluster and blame-game strategy introduced by respective political elites and the way they politicised the postcolonial trauma, may serve as a broader discursive framework to the analysis of the enduring Indo-Pakistani rivalry and the policies vis-à-vis Kashmir of these two states. The relations between India and Pakistan have been violent and crisis-ridden since the moment the two countries gained their independence. The partition occurred with 'remarkable suddenness'⁵, with only seven years from formal articulation of a sovereign, separate state for Muslims to the final establishment of Pakistan. There was not enough time to prepare for the complex process considering its complicated logistics and multifaceted political, economic and social impact. Such hasty process of partition when families, societies and nations were divided, inclined [CHANDRAN and RAJAMOHAN \(2007: 117–118\)](#) to appositely conclude that these borders in South Asia are 'illogical, arbitrary and ill-defined',⁶ as they did not naturally evolve.

The scale of fratricidal violence, including killings, arson, looting, abduction and rape, followed by the refugee crisis, which accompanied the partition of the subcontinent, still evokes traumatic collective memories in India and Pakistan.⁷ The millions of uprooted migrants⁸ who survived the long trek had to start their lives anew in a foreign country that came to be their new homeland. Religion was the major binding force between them and the existing inhabitants of the newly established states; the rivalry between them and the newcomers (muhajirs in Pakistan) soon became a hotbed of future tensions (for example, Sindhis, who tried to defend their culture and autonomy, resisted Karachi's transformation into a national capital under centralised control).⁹ Paul [BRASS \(2013: 29\)](#), while investigating the correlations between the partition, brutal violence unleashed by the oppressed against those whom they regard as oppressors, and the displacement of the people, uses the term 'retributive genocide' (introduced earlier by such sociologists as Vahakn Dadrian or

Helen Fein) to study the unprecedented levels of violence in the Punjab. The bloodshed in mainland India resonated in Kashmir and led to the massacres of Sikhs, Hindus and Muslims. As the vast majority of the eye-witnesses of the partition have already passed away, any analysis of what happened is often subject to manipulations and historical distortion. Conspicuously, it has become an inseparable element of nationalistic narratives both in India and Pakistan, where 'contemporary religious conflicts shape and revise past narrations of the Partition'.¹⁰ The ideologically motivated interpretations of the partition had an overwhelming impact on the way the postcolonial states projected their historical, narratives, and provided background for state-constructed pillars of domestic and foreign policies.

The calamity, absurdity and insanity of the partition was metaphorically scorned by the renowned Urdu short story writer, Saadat Hasan Manto, who himself migrated to Pakistan from India. His famous 'Toba Tek Singh', published in 1953, regarded as his best partition short story,¹¹ describes the division of asylum patients according to their religious beliefs; a Sikh man and his inmates from an asylum in Pakistan are to be transferred to such institution in India. The insanity of the lunatics seems incomparable to the absurdity and tragedy of partition. The story symbolizes the calamity of the division and shows the author's staunch rejection of the arbitrary decisions of the rulers.

Indian and Pakistani leaderships crafted antagonistic ideological narratives which accompanied the process of partition and later developed the narratives of conflicting, religiously motivated majoritarian nationalisms. The one-nation theory, adhering to the idea of one, united nation coexisting in a secular, democratic state, despite communal diversity, was advocated by the Indian National Congress as a dominant concept of the political narrative in India's post-independence formative decades. It was gradually captured, ideologically moulded and more extensively mainstreamed by the exclusivist, Hindutva-oriented rhetoric, which manifested itself in 2014 and 2019 general elections by landslide political victories of the BJP (Indian People's Party), ideologically interconnected and supported by the far-right paramilitary RSS (National Volunteer Organisation). The two-nation theory, viewing Muslims and Hindus as separate nations, provided an ideological framework for the inception of Pakistan and religiously motivated territorial claims vis-à-vis Kashmir. Neither the Indian nor Pakistani approach, when turned into practice, took the will and aspirations of the inhabitants of the former Princely State of Jammu and Kashmir (PSJ&K) into consideration. Its strategic location and role in the state-oriented, ideologically driven nationalistic discourse of India and Pakistan gained primary significance and, consequently, the two dominions plunged into a protracted conflict. Ayesha JALAL (2000: 575) argued that the partition had a kind of reversed teleological effect on the foundation of India and Pakistan: a failure to differentiate between 'religion as faith' and 'as social demarcation' was elevated into the dominant imagery and had major consequences for the subsequent decades in shaping political and social discourses by

the independent India and Pakistan. On the other hand, due to geographical issues, the affiliation of most of the regions was not debated in order to ensure territorial integrity for the two dominions. They were absorbed following the decisions of their princes, who took their decisions without consulting their subjects.¹² Different ethnic groups were forced to relinquish their aspirations and goals. Some of them would rather opt an independent homeland or, in some cases, prefer to stay in India (*vide infra*, §9.1).

Referring to princely states' decision, in a press statement on 11 July 1947 Muhammad Ali Jinnah then the leader of the All-India Muslim League, announced on the eve of partition: 'We have made it clear that we are not going to coerce, intimidate or put any pressure on any State making its choice'.¹³ Yet, *au contraire*, Pakistan introduced the strategy of using proxies in order to accomplish its territorial claims in PSJ&K at an early stage of the conflict, by using tribal invaders from North-West Frontier Province (NWFP, in 2010, renamed as Khyber Pakhtunkhwa), who entered Kashmir in late October 1947. The town of Baramulla in North Kashmir was the first major city under siege. Significantly, before the partition, it was a trading hub on a Srinagar-Rawalpindi road, a city which attracted dignitaries and nobles, inhabited by Hindus, Muslims, Sikhs and Christians. Partition cut the old trade routes and Baramulla lost its significance within Indian-administered Jammu and Kashmir (IaJK) to Srinagar. In local accounts, the raiders were not regarded as 'freedom fighters', but as 'qabalis', 'Pathans' and 'hooligans' who were barbarous, primitive strangers invading the multi-dimensionally sophisticated Valley.¹⁴ In the aftermath of this aggression, Maharaja Hari Singh was faced with a grim scenario of Srinagar failing to the intruders, who indulged in looting and brutally attacked mainly Sikhs and Hindus, but also Muslims. Pashtun tribal invasion, led by general Akbar Khan of the Pakistani army, precipitated the 1947–1948 first Indo-Pakistani war.¹⁵

On 15 January 1948, Pakistani government officially denied providing any aid to the tribesmen. In the counter-complaint issued as a reply to India's complaint to the UNSC dated 1 January 1948,¹⁶ Pakistan even declared that it was doing all it could to 'discourage the tribal movement' and its territory was not being used for military operations. All allegations of aggression were rejected, but at the same time, the document admitted that 'it *may* be a certain number of independent tribesmen and persons from Pakistan are helping the AJK government in their struggle for liberty *as volunteers*' (italics—AK).¹⁷ Already at this stage, the policy of secretly supporting the militant proxies and at the same time denying it on an international level became a significant feature of the Pakistani establishment's strategy, which in subsequent decades, brought serious consequences to the intractable conflict with India.

The Pakistani-supported intrusion compelled the Maharaja to ask India for help.¹⁸ Hari Singh sought assistance from the Indian army, which was guaranteed by Jawaharlal Nehru only under the provision that the Instrument of Accession of the State of Jammu & Kashmir (IoAJ&K) was signed. In

accordance with its provisions, the central government of India had power to legislate on three issues: defence, foreign affairs and communication. Sheikh Mohammad Abdullah, the leader of the Jammu and Kashmir National Conference (*vide supra*, §3.2), visited Delhi to confirm that the terms of the agreement were acceptable. He supported the accession (but with self-rule prerogatives, not full integration of Jammu and Kashmir (J&K) on a par with other states¹⁹), believing that J&K would have autonomy while being a part of the Indian Union.²⁰ The Sheikh, who claimed to represent the poorer sections of Kashmiri society, irrespective of their religion, yet he was accused of a pro-Muslim approach, rebutted the two-nation theory, arguing it gave poison into the atmosphere of the country.²¹ He argued that Kashmiris will never give up their rights: ‘you can hold Kashmir in subjugation with bayonets only for a short while. You can cut Kashmiris to pieces, but you cannot win their hearts by force’.²²

The IoAJ&K was signed by the Maharaja on 26 October 1947 and accepted the following day by Lord Mountbatten. The Indian troops were sent to Srinagar. On 2 November 1947, Jawaharlal Nehru, a Kashmiri Brahmin by birth, promised that a referendum would be held under international auspices and the people would decide the future of Kashmir. Arundhati Roy, often accused by right-wing Hindu nationalists of waging war against the Indian state on account of her relentless reporting on the human rights abuses in Kashmir and other inequalities in India, quotes Nehru’s telegram to Liaquat Ali Khan, dated 27 October 1947: ‘I should like to make it clear that the question of aiding Kashmir in this emergency is *not designed in any way to influence the state to accede to India* (italics—AK). Our view, which we have repeatedly made public, is that the question of accession in any disputed territory or state must be decided in accordance with the wishes of the people, and we adhere to this view’.²³ There are many other examples of Nehru’s speeches and letters, where he pledged a necessity to hold a plebiscite and act in accordance with the will of the people.²⁴ In his informative study on governance in Kashmir, Aijaz Ashraf WANI (2019: 25–26), a Srinagar-based scholar, maintains rather that Nehru’s real intention was to ‘ultimately merge Kashmir with the Indian Union and to make it like any other state of the country’. The Article 370 (preceded by Article 306A from October 1949), which was inserted in 1950 in India’s Constitution, guaranteed Kashmir’s autonomy and special status. However, the legislation was declared as a temporary provision, which made Sheikh Abdullah suspicious of real intentions of the Prime Minister Nehru.

By mid-November, the tribesmen were removed from the Valley by the Indian troops. The territory which they had managed to seize remained under their control.²⁵ As the intensive fights reached a stalemate, on 31 December 1947, Jawaharlal Nehru referred the issue to the UNSC under Article 35 of the United Nations Charter, which stipulates that any member of the UN may bring any dispute or any situation which endangers international peace and security to the attention of the Security Council or the General

Assembly.²⁶ In this way, India acknowledged the right of the international community to be engaged in the conflict resolution initiatives. Pakistan was accused of violating international law and of aggression against India. The internationalisation of the conflict was a well-planned strategy of the Indian decision makers who aimed at enhancing India's position in the Kashmir tussle, where Pakistan would earn the image of a wrongdoer, internationally responsible for instigating the conflict by using proxies. At the same time, it seems that India deliberately overlooked the independent pre-accession actions by the Muslims (for example, in Poonch) and inter-religious violence in Jammu, which predated the Pashtun invasion.²⁷ Apparently, Sheikh Abdullah informed the Indian government about the situation in Jammu. This piece of the former PSJ&K, inhabited by largely pro-Pakistani Muslims in the west and a pro-India Hindu majority in the east, was strongly affected by the partition (refugees) and plunged into violence with thousands of victims. Pointing out that these events were largely under-reported and ignored by India, [Christopher SNEDDEN \(2012: 38\)](#) writes: 'this overlooked the genuine disgruntlement that many people of J&K had felt with the Maharaja and his administration and then, after accession, with India's involvement in J&K. Large numbers of these disgruntled people were certainly pro-Pakistan'. Pakistan followed suit in a bit to internationalise the conflict and referred its complaint against India in a letter addressed to the UN Secretary General on 15 January 1948 (S/646).

As the partition atrocities continued, on 13 January 1948, Mahatma Gandhi, the widely cherished leader of India's non-violent independence movement, commenced his fast to restore peace between the Hindu, Sikh and Muslim communities and to pressure the reluctant Indian government to transfer to Pakistan a due share of the unified, British Indian military assets and financial reserves. The same day, a train carrying Hindu and Sikh refugees from Bannu was ambushed in the West Punjab; many people were killed, girls and women captured by the tribesmen. Some Hindu nationalists despised Gandhi for being allegedly 'pro-Muslim' and blamed him for selling the nation and for the partition. Gandhi wanted to avoid this binary perception (which still persists today) at all costs, where being a friend of the Muslims meant being an enemy of the Hindus and Sikhs and *vice versa*. [ZACHARIAH \(2004: 173\)](#) argues in his Nehru's biography: 'Hindu fundamentalist groups such as the RSS publicly blamed Gandhi for having "emasculated" Hindus by his ideology of non-violence and having thereby "surrendered" Pakistan to Muslims, and Hindu extremist papers published exhortations to their readers to murder Gandhi and Nehru'. Some even sent him insulting letters and called him 'Mohammad Gandhi'.²⁸ The aggressive rhetoric and polarising hate campaign ended tragically: on 30 January 1948, Gandhi was assassinated by Nathuram Vinayak Godse, a Hindu extremist, member of the RSS and nationalist party, Akhil Bharatiya Hindu Mahasabha²⁹ (he claimed he had left the RSS around 1938, but his continued allegiance to the far-right ideology seems indisputable³⁰). Today,

in India, Godse is openly praised as a hero by a portion of Hindu fundamentalists (including some BJP MPs such as Pragya Singh Thakur). In November 2018, Hindu Mahasabha made the appeal to the Uttar Pradesh BJP Chief Minister Yogi Adityanath to rename Meerut district to 'Pandit Nathuram Godse Nagar', referring to Godse as 'great thinker'. It may serve as a symbolic illustration of deliberately politicised communalism instigated by Hindu far-rights groups with projecting villains as heroes, which was pushed into an ideological parlance of majoritarian extremism, and of the tragic effects such narrative may have, if uncontrolled, in polarising the society and institutionalising violence against the minorities and dissidents.

Towards the turn of the 1940s and 1950s, the UN took some initiatives of managing the Indo-Pakistani conflict. In 1948, the UNCIP was established (existed till March 1950³¹) in order to mediate the dispute, and the UNSC adopted crucial resolutions (13 August 1948, 5 January 1949) which called for an impartial plebiscite to determine Kashmir's final status. Pakistan was obliged to withdraw its forces, India to reduce the number of troops to maintain of law and order. Demilitarisation was a prerequisite to holding a plebiscite, and due to mutual suspicions and mistrust, these measures were not fulfilled by either side. From New Delhi's perspective, demilitarisation posed a risky strategic decision: due to mountainous terrain and vast distances Pakistan enjoyed tactical military advantage. India would face much greater difficulties to redeploy its army in the case of the conflict potential re-escalation.³²

As a result of diplomatic rows and international pressure on both India and Pakistan, the first Kashmir war between the two arch enemies, which started with the invasion of the tribal forces in October 1947, ended with a ceasefire that entered into force on 1 January 1949. One-third of the former PSJ&K remained under Pakistani control and the rest under Indian control. Both parts were divided by Cease-Fire Line (CFL). Nehru promised to hold a plebiscite in J&K provided that Pakistani troops withdrew from the territories they had captured. Pakistan was reluctant to do so. The war settled Kashmir's position in the respective perception by India and Pakistan: as the territory, which should justifiably belong to them.

4.2 The 1960s: Pakistan's revisionism in Kashmir

The consecutive phases of bilateral rivalry in the formative decades, particularly in the 1960s, were manifested by Pakistan's territorial revisionism vis-à-vis Kashmir and escalation of the conflict with India. The Cold War realities, which provided geostrategic incentives for Pakistan's alliance with the United States, contributed to upgraded political role of Pakistani military establishment. Persistent revisionism vis-à-vis IaJK remained Pakistan's ideologically based tactic towards India. The nationalist narrative regarding Kashmir and highlighting the ties with Muslim majority in the Kashmir Valley continued to provide a framework to reinforce the

Islamic-based unity within Pakistan as part of continuous nation-building efforts. The depiction of Hindus as common enemies of Muslims, as the deceitful 'others', was present in both domestic narrative and external policy of Pakistan. Foreign policy was focused on projecting defence-oriented security dilemma of Pakistan as an insecure state, permanently threatened by a mighty neighbour. In the early 1960s, the military-based, clientelistic relationship of Pakistan with the United States, which had been established a decade earlier, was fully developed and particularly beneficial to the Pakistani army/ISI conglomerate.³³ Pakistan, due to its geostrategic location, was in a perfect position to play a significant role as a cyclical frontline state in Washington's global strategy. After he seized power in a bloodless coup in 1958, General Ayub Mohammad Khan, the Westernized Pashtun and a graduate of the Royal Military College, Sandhurst, UK, was politically empowered as a military dictator of the frontline state, strategically vital for Washington. With India opting for neutrality, the US in its quest to find an anti-communist ally in South Asia, turned to Pakistan, which became the 'most allied ally' of the United States, a member of Western-sponsored military pacts, and a beneficiary of huge military and economic aid. For Pakistan, this alliance was a most welcomed opportunity to guarantee its security against India.³⁴ Pakistani army with its British-trained officers was substantially bolstering its role as a behind-the-scenes player and defender of the 'ideology of Pakistan', with gradually increasing influence over the state's foreign and security policy. This had a direct impact on shaping the trajectories of the Kashmir issue.

At the same time, despite the atmosphere of unbridled animosity, both rivals managed to sign a river-dividing Indus Waters Treaty (1960, IWT), brokered by the World Bank. The treaty established Permanent Indus Commission to enable water-related communication and provided the waters of the western rivers (the Indus, Jhelum and Chenab) to Pakistan and the eastern rivers (the Ravi, Beas and Sutlej) to India. Notably, the Indus River System with its irrigation and water management, bifurcated during partition, has always played a central role in Indo-Pakistani rivalry and Kashmir conflict. On 1 April 1948, during a critical point in the agricultural calendar and conflict escalation, the East Punjab government arbitrarily stopped the flow of water down the Sutlej River to Pakistan's West Punjab.³⁵ It escalated the crisis in India-Pakistan relations and eventually led to signing the IWT, which was, in the 1960s, a successful water management initiative.³⁶ Robert WIRSING (2008: 236) appositely highlights that Kashmiris were not consulted about their preferences in regard to Kashmir's water resources at the time the IWT was crafted; until today, they have not sufficiently benefited from the region's abundant water assets.

Discussion on water affairs did not prevent Pakistani military from pursuing revisionist agenda and military solution in IaJK. In 1965, Ayub Khan decided to exploit what he perceived as favourable geopolitical conditions: India seemed debilitated by the 1962 border war with China (China

took control over Aksai Chin, part of Ladakh), the unrest in Kashmir in December 1963 (a relic of Prophet Mohammad was temporarily stolen from the Hazratbal shrine in Srinagar fuelling massive protests, suppressed by the intervention of the Indian army³⁷; Pakistan used the theft to organise anti-Indian demonstrations and accusations of ‘Indian plot’³⁸) and, finally, by the death of the long-serving Prime Minister Jawaharlal Nehru in May 1964. Pakistani revisionist strategists assumed that India’s rule in Kashmir was frail and, in such circumstances, New Delhi would not be able to counter a rapid military action aimed at capturing Kashmir. At the same time, the establishment feared that by refusing to hold a plebiscite, India was pursuing its self-interested, political agenda to integrate Kashmir into the Union. This involved a major risk that Pakistan would never be able to seize the territory it claimed.³⁹

Cross-border fighting started in April 1965 in the region called Runn of Kutch (the southern boundary of Sindh province), a salty lowland and marshlands rich in gas, where borders were not demarcated and both countries were not ready to give up their claims, thus remaining in a diplomatic and military deadlock. The Kutch agreement, negotiated with the engagement of British and American envoys, envisaged a ceasefire and the demarcation of the border. It was signed simultaneously in Delhi and Karachi on 30 June 1965, but the whole crisis had an impact on the upcoming escalation of the Indo-Pakistani conflict. [BAJWA \(2013: 94\)](#) notes that it was regarded by Ayub and the GHQ ‘as evidence of the widespread patronizing and racist assumption that “the Hindu has no stomach for a fight”, (...) which was to have disastrous bearing on the future dealings in Kashmir and with Shastri and it induced a sense of false confidence regarding future military clashes’. Pakistan’s national security and self-defence objectives were analysed by the Bureau of National Reconstruction (BNR), Ayub Khan’s intelligence and research organization. The BNR emphasized the utility doctrine of irregular warfare based on the training of irregular fighters,⁴⁰ familiar with ‘local environment factors’, and able to attack the enemy at unexpected places.⁴¹ This adventurist doctrine was used when the intruders, mostly from Pakistani-administered Jammu and Kashmir (PaJK),⁴² infiltrated IaJK on 5 August 1965, hoping to precipitate a massive guerrilla-inspired anti-Indian insurgency on 9 August, the anniversary of Sheikh Abdullah’s arrest in 1953. They were armed *inter alia* with automatic rifles and small machine guns. The infiltration was a crucial part of the Pakistani military campaign, which was divided into two inseparable parts codenamed respectively Operation Gibraltar and Operation Grand Slam.⁴³ The former assumed initiating the infiltration campaign by sending army-trained irregulars (*mujāhidīn*) disguised as locals to IaJK in order to precipitate an anti-Indian insurgency with the support of the local people. The latter involved a full-scale army attack on the valley to take control over the territory and block Indian forces from entering Kashmir. Ayub Khan and his advisors misread the extent to which the locals would be willing to

support the Pakistani initiative, although some (a minority) members of the Plebiscite Front were aware of the infiltration plans and advocated it.⁴⁴ It turned out that the support was not as significant as the Pakistani strategists had expected and could not be transformed into a mass uprising. However, the freedom movement groups, such as the Students and Youth League, the Master Cell and the Revolutionary Council (all formed in 1964–1965 in the Valley by young Kashmiris from prominent families), managed to establish limited contacts with Pakistan to carry out small-scale anti-Indian operations, such as arson and stone throwing.⁴⁵ Those initial links were used over two decades later, when the insurgency in the Valley erupted.

During the night of 31 August/1 September 1965, Operation Grand Slam began in southern Kashmir. India started a full-scale counterattack and opened up a new front along the international border, launching strikes against the key Punjabi cities of Lahore and Sialkot.⁴⁶ The escalation of the conflict resulted in the largest troop gathering since the first Kashmir war. On 4 September, the UNSC adopted Resolution 209 on the 'Indo-Pakistani Question', which 'called upon the Governments of India and Pakistan to take forthwith all steps for an immediate ceasefire' (Article 1).⁴⁷ It was followed by resolutions which reinforced the calls to observe the ceasefire. For example, the Resolution 211, adopted on 20 September, demanded that the ceasefire should take effect on 22 September, at 7 a.m., and called for the subsequent withdrawal of armed personnel (Article 1).⁴⁸ Resolution 215, approved on 5 November, expressed regret at the delay of fully implementing an effective ceasefire and withdrawal of armed personnel to the positions they occupied prior to 5 August 1965.⁴⁹

The reaction of the Kashmiris in the Valley to the idea of the anti-Indian insurgency speaks volumes about their perception of a potential accession of J&K to Pakistan. The local population did not provide the expected support to the infiltrators and Pakistani decision makers largely miscalculated their capabilities. As some authors claim, the very idea of 1965 operation was controversial as it ultimately deprived Pakistan of its moral high ground vis-à-vis the Kashmir conflict.⁵⁰ It may be questioned, however, whether Pakistan's establishment had had this 'moral ground' before. [Craig BAXTER \(2015: 503\)](#) corroborates the unfavourable assessment of Pakistan's bellicosity by arguing that the 1965 war was 'the greatest mistake made by Ayub and his staff and advisors'. The determination to defend territorial integrity, which includes holding Kashmir as an integral part of India, remains a major pillar of New Delhi's security policy, which was manifested during this confrontation.⁵¹

The war brought about a serious crack in the relations between the United States and Pakistan, which prompted the latter to seek enhanced cooperation with China. When Washington, dealing at that time with more crucial challenges related to the Vietnam war, allowed Moscow to engage in the peace talks and join demands for a ceasefire between India and Pakistan, it was obvious that United States' support for the Ayub regime

had its limits. The Tashkent Declaration⁵² was moderated by the Soviet Prime Minister, Alexei Kosygin, whose diplomatic engagement enabled the declaration to be signed by General Ayub and Nehru's successor, Prime Minister Lal Bahadur Shastri on 10 January 1966 during the round table talks in Tashkent, then in the Uzbek Soviet Socialist Republic. The document aimed at cessation of hostilities by both belligerents and regulation of future Indo-Pakistani relations in a good neighbourly and 'durable peace' fashion. It implied accepting *status quo ante bellum* by India and Pakistan, withdrawal of all armed forces to positions occupied prior to 5 August 1965, followed by the observation of the ceasefire, restoration of diplomatic relations, mutual non-interference and further discussion of the problems of refugees and evictions/illegal immigrations. Furthermore, it highlighted the necessity of establishing joint Indo-Pakistani bodies and normalisation of bilateral trade, economic and cultural relations. India criticised the declaration due to the absence of a non-aggression pact which was not part of the agreement as had been pursued by Indian diplomacy. The sudden and, according to some, mysterious death of Prime Minister Shastri in Tashkent one day after the signing of the treaty provoked conspiracy theories he had been poisoned.

The scheduled talks at ministerial level, which were held in 1966, did not bring any significant results, and the 'Tashkent spirit' soon dissipated. The second Kashmir war became the ultimate confirmation of the escalation-prone security environment in the subcontinent and that the territorial claims were irreconcilable and persistent. The war proved that the support for Pakistan in IaJK was largely overestimated by Pakistani decision makers. Indeed, some Kashmiris in the Valley were substantially disenchanted with New Delhi's policy, but it did not directly translate into a massive support for the uprising. This made the Operation Gibraltar a losing battle even before it had been launched.⁵³

The 1965 war had several consequences crucial for the next phase of the Indo-Pakistani relations, Pakistan's future and its relations with the United States and the Kashmir issue. When the Indian offensive against Pakistan began, general Ayub delivered a speech accusing the Indians of preparing a military offensive against Pakistan and using the Kashmir as an opportunity to launch an attack against their neighbour. His words strengthened Pakistan's anti-Indian narrative for decades to come: 'Today the Indians have given final proof of this and of the evil intentions, which India has always harboured against Pakistan and its inception. *The Indian rulers were never reconciled to the establishment of an independent Pakistan where the Muslims could build a homeland of their own* (italics—AK). All their military preparations during the last 18 years have been directed against us'.⁵⁴ The war precipitated the end of Ayub's era⁵⁵ and was a primary cause of the shift in Pakistan's security strategy, especially regarding its nuclear aspects. It enhanced an anti-American posture in Pakistan's policy, which was later further exacerbated—the perception of the US as powerful ally and

expected provider of security, which failed to fulfil Pakistani expectations. Therefore, the war had a major impact on the alliance with Washington, with all its future consequences (Ayub Khan lost the trust of American establishment⁵⁶), and jeopardised relations with Pakistan's major arms supplier.⁵⁷ Moreover, the armed confrontation revealed conventional supremacy of India, which turned out to be much stronger than the Pakistani establishment had assumed.⁵⁸ In these circumstances, the nuclear weapons lobby in Pakistan gained major significance; in 1965, while being interviewed by *Manchester Guardian*, Zulfikar Ali Bhutto made his famous declaration about Pakistanis 'eating grass'⁵⁹ to develop nuclear capabilities at all cost.

Notes

1. BRASS (2013: 18).
2. KAPUR (2011: 60).
3. RAI (1965: 47).
4. MENON (1957: 418), DAS (1981: 249).
5. PADEY (2003: 2).
6. Similar is the situation in other parts of the world where the postcolonial borders were arbitrarily imposed.
7. More on partition and scholarship of partition: SVENSSON (2013: 48–67).
8. It is impossible to assess the exact numbers of migrants and different estimates are presented by various authors. According to ROY (2012: 3), between 1946 and 1965, nearly nine million Hindus and Sikhs moved to India and approximately five million Muslims moved to Pakistan.
9. KHAN (2017: 170).
10. MENON (2013: 5).
11. JALAL (2013: 184–185).
12. SNEDDEN (2015: 149).
13. JINNAH (2000: 9–10).
14. For first-hand accounts of tribal invasion: CHAKRAVARTY (2017). One indigenous Kashmiri whose family witnessed the atrocities blamed the raiders for facilitating the Indian army to land in Kashmir.
15. FAIR (2014: 291), DIXIT (2002: 104).
16. S/628.
17. S/646.
18. AYAZ (2013: 208).
19. DIXIT (2002: 117).
20. WANI (2019: 24).
21. ABDULLAH (1993: 86).
22. ABDULLAH (1974: 48).
23. ROY (2011: 125).
24. *Vide supra* §3.3. More: ROY (2011: 126–131), BALCEROWICZ–KUSZEWSKA (2022b).
25. PANIGRAHI (2009: 36).
26. UN Charter.
27. SNEDDEN (2012: 66–69).
28. PAREKH (2001: 39).
29. Akhil Bhāratīya Hindū Mahāsabdhā.
30. Referring to Godse as 'apostle of hate', JHA (2020) provides historical analysis in which he claims that Godse recited an official RSS prayer before his execution on 15 November 1949. That would suggest his constant affinity to the RSS.

31. The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was deployed in January 1949 to supervise the Indo-Pakistani ceasefire. Following the termination of the UNCIP, the UN Security Council, by its resolution 91 (1951), decided that UNMOGIP should continue to monitor the ceasefire in Kashmir. It also investigates complaints of ceasefire violations.
32. [WEBB \(2012: 35\)](#).
33. On US-Pakistan relations: [HAQQANI \(2013\)](#), [KUX \(2001\)](#).
34. [KALIA \(2011: 32\)](#).
35. [WIRSING \(2008: 227\)](#).
36. Presently, the conflict over water resources remains one of the core elements of the rivalry. Both countries accuse each other of dam-building on trans-boundary rivers in disputed territories of the former PSJ&K. India's dams on upstream waters are vehemently criticised by Islamabad, as they block the water flow to Pakistan, the lower riparian and increasingly water-distressed state, for which the Indus River system is the major water lifeline.
37. [SHARMA \(1971: 115\)](#) highlights the communal harmony during the riots against the theft: 'Hindus and Sikhs joined their Muslim brethren in mourning the loss. (...) When the relic was recovered and restored, there were rejoicings in Srinagar, in which Hindus and Sikhs, no less Muslims, participated'.
38. [NAWAZ \(2008: 202\)](#).
39. [SIRRS \(2017: 50\)](#).
40. Their numbers vary by source from 3000 to 30,000. [NAWAZ \(2008: 206\)](#).
41. [SIDDIQI \(1960: 6–5\)](#).
42. [WANI \(2019: 220\)](#).
43. [FAIR \(2014: 142\)](#).
44. [WANI \(2019: 221\)](#) points out that at that stage, the Plebiscite Front members did not support an armed rebellion; the PF leader, *mawlānā* Masoodi, who had known about the plans, warned people in his public speech on 9 August 1965 against committing any 'mistake'.
45. [TREMBLAY \(2018: 237\)](#).
46. [FAIR \(2014: 141–142\)](#).
47. S/209.
48. S/211.
49. S/215.
50. [ABBAS \(2015: 51\)](#).
51. [CLOUGHLEY \(2014: 79\)](#).
52. [UNSC \(1966\)](#).
53. [KUSZEWSKA \(2010: 95\)](#).
54. [HAQQANI \(2016: 52\)](#).
55. [HUSSAIN \(2010: 132\)](#).
56. [HAQQANI \(2016: 52\)](#).
57. [KUX \(2001: 164\)](#).
58. [KHAN \(2013: 59\)](#).
59. Zulfikar Ali Bhutto's words: 'If India makes an atom bomb, then even if we have to feed on grass and leaves—or even if we have to starve—we shall also produce an atom bomb as we would be left with no other alternative. The answer to an atom bomb can only be an atom bomb'. Quoted by [KHAN \(2013: 6–7\)](#).

5 Fateful transformations of the 1970s and 1980s

Agnieszka Kuszewska

The 1970s and 1980s brought significant geostrategic shifts in the Subcontinent and set the tone of security dynamics over the subsequent decades to this day. There were several key factors which multidimensionally transformed the region: the disintegration of Pakistan with the inception of Bangladesh, followed by structural mainstreaming of the religiously motivated majoritarian nationalism and the policies of radicalisation in Pakistan, and the Soviet intervention in Afghanistan, which precipitated a nearly decade-long war, with substantial engagement of the Pakistani military establishment.

5.1 The disintegration of Pakistan

The two-nation theory with the major component of Islam as the nation's unifying force proved insufficient to safeguard the ideological borders and territorial integrity of Pakistan. Within less than three decades of its inception, the country was split apart after a violent civil war. Growing tensions between the *muhajir*/Punjabi-dominated establishment from West Pakistan and Bengalis from the Eastern wing resulting from the political, economic and social marginalisation of the latter had multifaceted consequences, detrimental to the future of Pakistan. The case of East Bengal may serve as an example of postcolonial structural exploitation, which manifested itself in the pursuit of largely Punjabi-oriented Pakistanisation¹: the denial of due political rights and economic marginalisation in the name of multilayered supremacy of West Pakistan. Growing rifts between the Eastern and Western wings were illustrated by disenchantment of East Pakistani elite which regarded using the national symbols with reference to development and progress by West Pakistan, as projection of 'its own (and particularly Punjabi) aggrandizement'.² Bengali Muslim community felt disillusioned with their support for Pakistan and regretted having voted for its establishment. It led to perception of the Muslim League as the party which turned its back upon Bengalis and regarded them as strangers: 'their patriotism was questioned every day, and their discourses of difference were perceived as a lack of loyalty to the national identity. It was increasingly evident to the Bengali population that their political disenfranchisement was an integral

feature of the emerging Pakistani polity'.³ Collective sense of marginalisation was enhanced by the lack of Bengali representation in the upper echelons of the army (only approximately 5 % in the early 1960s, while the percentage of East Bengali population in Pakistan was 54.5%).⁴

According to reports published by the Pakistan Planning Commission, only 20% of the total central government development expenditure was spent on East Pakistan in the years 1950–1951 to 1954–1955 reaching a maximum of 36% during the period 1965–1966 to 1969–1970.⁵ The demands for greater recognition and participation in the national polity began in East Bengal soon after independence with demands that Bengali, a major source of the cultural manifestation of the Bengali people,⁶ should be accepted alongside Urdu as the national language of Pakistan.⁷ The systematic posting of Punjabi policymakers to Bengal, rejection of Bengali as national language by the Constituent Assembly and the imposition of Urdu regarded as foreign language (it led to massive protests in the early 1950s⁸), and other manifestations of structural socio-political and economic disenfranchisement, led to growing separatist discontent. The ruling elites' unwillingness to address such grievances in this and other marginalised regions, became a significant impediment in building a national, centralised unity in ethnically and linguistically diverse Pakistan. Certain elements of bolstering the centre-authorised control (sending Punjabi bureaucrats and security establishment to Pakistani-administered Jammu and Kashmir, PaJK, deploying the security forces from geographically and culturally distant regions of India in Indian-administered Jammu and Kashmir, IaJK) are mirrored in current strategies of the Indian and Pakistani establishments vis-à-vis Kashmir.

Political subjugation, economic control and systemic deprivation of democratic rights were the key components of West Pakistan's political approach in East Bengal. Islam was a binding element between Western and Eastern wings just in theory. In practice, Bengalis were projected as 'dirty', Hindu-influenced Muslims,⁹ treacherous cowards in contrast with the courageous and combative soldiers from West Pakistan. The distortion of the image was aimed at dehumanising Bengalis and mustering public support for a clamp-down on the political and economic aspirations of Bengalis. Consequently, many Western Pakistanis believed that Bengali Islam was "contaminated" by its long exposure to Hindu social and cultural practices' and some religious leaders were intentionally bolstering this view, by urging to 'purify' Bengalis.¹⁰

The pro-independence movement led by the Awami League and its leader Sheikh Mujibur Rahman (called Mujib) culminated in 1970. Massive electoral support for the Awami League reflected the dissatisfaction of the Bengali population at the socio-economic disparity between the Western and Eastern wings.¹¹ It let the party win the majority of seats in the National Assembly of Pakistan in the elections held on 7 December 1970. Conspicuously, Yahya Khan's military regime and West Pakistani bureaucrats, especially Zulfikar Ali Bhutto, who was reluctant to share power with Mujib, found

themselves in a political clinch. The Pakistan Peoples Party (PPP) leader called for new elections, neglecting the will of the people expressed in democratic general elections. The West Pakistani civilian and military leadership closed ranks to prevent Rehman from assuming the leadership. Instead of requesting the elected majority leader to form the next government, General Yahya postponed the session of the National Assembly which was supposed to be held on 3 March 1971. This unleashed large-scale protest in East Bengal: people felt betrayed by Yahya's regime and a campaign of mass civil disobedience which included strikes and demonstrations was initiated. Sheikh Mujibur Rehman, in his famous speech delivered on 7 March, called on the people to 'resist the Pakistan enemy', to prepare for an independence struggle and announced a program of non-violent non-cooperation which was to be introduced throughout East Pakistan.¹² The involvement of the Pakistani army into East Bengal escalated the tensions. [Husain HAQQANI \(2016: 3\)](#) argued: 'strategic commitment to Jihadi ideology—the ideology of holy war—during and after the Bangladesh war of 1971, encouraged the Pakistani military to use Islamist idiom and the help of Islamist groups to keep elected secular leaders supported by the majority Bengali speaking population out of power'.

The Pakistani army decided to clamp down on the riots by initiating a military offensive codenamed Operation Searchlight. On the night of 25 March 1971, the troops estimated at around 18,000 men supported by 75 tanks, jet fighters, combat helicopters and around 5,000 paramilitary forces entered West Bengal in an attempt to crush its people's demands for political and economic rights. Acting as the martial law administrator and governor of East Pakistan, Lieutenant General Tikka Khan, appointed by General Yahya, was given a free hand to introduce massive repression in the province.¹³ As a result, a large number of Awami League members, intellectuals and members of the Hindu community were killed. The civil war in Pakistan resulted in a massive influx of refugees into India (approx. 10 million within few months), leading to a humanitarian crisis. The acceptance of refugees by India was another blow to Pakistani sovereignty; it was tantamount to the fact that Pakistan was unable to provide security to its own citizens.¹⁴ India used the opportunity to weaken Pakistan by covertly supporting the Bengali separatists, at least from March 1971. On 31 March 1971, the Indian Parliament passed a resolution declaring its sympathy and solidarity for with the people of East Bengal in their struggle for democratic way of life. The resolution demanded immediate cessation of the killings; in India's view, the Pakistani army committed genocide against its own people (especially the Hindu minority was systematically targeted) and forced their expulsion. Bengali fighters, known as *Mukti Bahini* (Liberation Army, *Mukti Bāhinī*), launched a guerrilla war against Pakistani troops. Pakistan retaliated by initiating major strikes from West Pakistan against Indian air bases on 3 December 1971. This triggered a full-scale war between India and Pakistan. India conducted successful strikes against Pakistani forces in the East and in the

West. Dacca (the spelling of Bangladesh capital city was changed to Dhaka in 1982) was captured on 16 December (Pakistani troops surrendered) and Mujibur Rahman was freed from incarceration.

Pakistan was territorially dismembered, which could have been avoided if civilian politicians were able to cooperate and Bhutto joined forces with Rehman, not with the army.¹⁵ This inability of the mainstream political parties to stand collectively against the powerful military and radical religious leaders has repeatedly prevailed in Pakistani polity. It remains a key reason for Pakistan's failure to introduce a progressive shift in its domestic and foreign policy, along with competitive belligerency in materialising self-serving political ambitions and widespread corruption of civilian leadership, regularly elevated to power by the generals. The humiliating surrender to the Indian forces on 16 December 1971, was the worst manifestation of this failure in Pakistan's history; yet, instead of being a lesson learnt and a pathway to political and strategic recalibration, it strengthened the anti-Indian, Islamic majoritarian national ideology in Pakistan with an emphasis on religion as a binding force. This, in turn, contributed to the escalation of communal hatred and persecution of minorities in Pakistan. According to this narrative, the break-up of Pakistan was not caused by the economic exploitation and political marginalisation of Bengalis, but by the treacherous, vengeful Hindus. In their informative piece on the manipulation of history in Pakistan Parvez Hoodbhoy and Abdul Nayyar quote Hamid Azhar: 'The same Bengali Hindu was responsible for the backwardness of East Pakistan. But, hiding the story of his two-century old sins, atrocities, and pillage, he used "Bengali nationalism" to punish innocent West Pakistanis for sins they had not committed'.¹⁶

Pakistani governments denied the atrocities which had been committed during the war, although the witnesses' accounts were publicised (*vide infra*, §9.4). Tariq Ali argued that in Kashmir every political group, apart from confessional Jamaat-e-Islami (JeI), was appalled by the violence inflicted by Pakistani army against fellow Bengali Muslims. 'Had referendum been held at this point'—he argues—'a majority would have opted to remain within the Indian Federation, but Delhi refused to take a risk'.¹⁷ Pakistani intellectual elites, including scholars and human rights (HR) activists, continuously express the need to disseminate proper research and discuss the dynamics and results of Pakistan's balkanisation in an unbiased way, yet, due to establishment's reluctance to allow criticism against the army, it remains a huge challenge.

Pakistan became substantially weakened after Bangladesh war, not only militarily, but also diplomatically. The war and the disintegration reinforced its territorial insecurities (India settled its position as a dominant power in South Asia) and had profound impact on the Kashmir issue. Even though the war proved to be the abject failure of two-nation theory, Pakistani strategists did not abandon it; on the contrary, it gained significance as ideological framework for policy vis-à-vis IaJK. India was held solely responsible

for Pakistan's break-up which led to strengthening the ultimately negative image of Pakistan's arch-enemy. This enabled the cover-up of atrocities committed by Pakistani army in East Bengal and upheld the formative concept which led to the inception of Pakistan: the narrative of Islam and Pakistan, as the embodiment of a state for Muslims, being under permanent threat from those projected as 'infidels'.

Under the Indo-Pakistani Agreement, signed in Indian hill resort, Simla on 2 July 1972, the ceasefire line in Kashmir was renamed the Line of Control (LoC),¹⁸ which functions till today. Ninety thousand Pakistani soldiers, the prisoners of war, who had been captured in the former East Pakistan, and then held in India (which most probably saved them from Bengali revenge), were returned home. Both sides declared that they would respect it and resolve disputes bilaterally. This settlement laid down bilateralism as a principle underpinning all future talks between India and Pakistan.¹⁹ Zulfikar Ali Bhutto's pledges not to raise the issue of Kashmir on international level satisfied India, which hoped that in the future Pakistan would be prevented from further internationalising the Kashmir dispute by engaging the United Nations. In subsequent decades, Pakistan did not fulfil this pledge.²⁰ Prime Minister Indira Gandhi's administration assumed that the Simla Agreement did not in any way undermine the ultimate and uncompromising position of successive Indian governments: the state of Jammu and Kashmir (J&K) was to remain an integral part of the Indian Republic²¹ and the dynamics within J&K was indisputably India's internal matter, subjected to non-interference by any third party. Pakistan continued to adhere to its 'right to self-determination' strategy, restricted only to the residents of IaJK, focusing its narrative on human rights abuses on the Indian side of the ceasefire line, renamed as the Line of Control (LoC).

After a short period of Zulfikar Ali Bhutto's civilian rule, the Pakistani army managed to regain the power in 1977, which led to the fateful process of mainstreaming religious extremism—the Islamisation. The 11-year regime of Zia ul-Haq irreversibly transformed Pakistan into a largely conservative Islamic-oriented state and strengthened the political position of the army-mullah nexus as the key defender of the ideological borders of Pakistan. Pakistan's identity was sealed when *jihād*ist infrastructure was reinforced as the state proxy strategy and the Pakistani 'Army of Islam' was assigned to protect the territorial and ideological frontiers of the state.²² The Islamisation programme embraced the regional policy: *jihād* against 'infidel' Russians in Afghanistan from 1979 and the ideologically exacerbated persistence of territorial revisionism in IaJK.²³ The ground was ready for a new chapter of the Kashmir imbroglio.

5.2 The war in Afghanistan and the Kashmir issue

The end of the 1970s turned out to be a watershed in Indo-Pakistani relations and the Kashmir issue. The Iranian Revolution of 1979 and the 1979–1989 war in Afghanistan had significant consequences for South Asian

security dynamics. Pakistan gained significance as a ‘frontline state’ and a crucial, albeit troublesome, player in American strategic games in the last decade of the Cold War rivalry. Islamic radicalisation escalated in the region, primarily along the Afghan-Pakistani border, exacerbated sectarian violence in Pakistan and irrevocably shaped the trajectory of future Indo-Pakistani relations. In Iran, the revolution deposed the US-backed Shah Mohammad Reza Pahlavi and gave power to a radical, anti-Western Shī‘a regime embodied by Ayatollah Ruhollah Khomeini. Along with Soviet invasion in Afghanistan, it had pivotal impact on US-Pakistani relations and boosted the CIA-ISI cooperation. Pakistan received tools to fulfil its ‘strategic depth’ goals in war-torn Afghanistan.²⁴ The Sunnī-Shī‘a political and ideological rivalry, which still currently engages two major players, Iran and Saudi Arabia, escalated in Pakistan, where since mid-1970s Sunnī supremacism was growingly accompanied by systemic dispossession of the Shī‘a minority. It materialised primarily in Pakistani Punjab province where middle-class Sunnī found a way to curb the privileges of powerful Shī‘a landowners. Sectarian attacks escalated significantly and later turned into an organised and establishment-supported form of anti-Shī‘a aggression perpetrated by *jihādīst* outfits, such as Lashkar-e-Jhangvi, a violent offshoot of the anti-Shī‘a organisation and political party, Sipāh-e-Sahābā Pākistān (SeSP, Guardians of the Prophet’s Companions’, established in 1985 under the name Anjuman Sipāh-e-Sahābā).²⁵ Maulana Isar al-Qasimi, one of the SeSP’s leaders, violently attacked the Shī‘a *zamīndārs* (feudal landlords) in his speeches. Discussing the links between poverty and religious extremism, Tariq RAHMAN (2016) writes that ‘Maulana Isar al-Qasimi (...) denounced the Shī‘a magnates of the area. The peasants, terrorised by the feudal rich, responded as if the maulana were a messiah. Even shopkeepers rejoiced in the aggressive Sunni identity he helped create’... They ‘became militant when they were used by the Pakistani state to fight in Afghanistan during the Soviet occupation and subsequently in Kashmir’. The militant clergy and *madāris* played important roles in the process of Islamisation, especially after 1979, and were used by the army-ISI conglomerate to pursue its own agenda.

The unparalleled radicalisation in Pakistan (*vide infra*, §9) was a result of an interplay of international and domestic factors. General Zia ul-Haq, a self-proclaimed ‘soldier of Islam’, was nominated as Chief of the Army Staff by Prime Minister Zulfikar Ali Bhutto in March 1976. This decision had grave political and personal implications for the latter. General Zia turned out to be nothing close to the US Defense Intelligence Agency profile of ‘dumb like a fox’.²⁶ He ousted the elected government and took power in a 1977 coup. On 4 June 1979, Zulfikar Ali Bhutto was hanged by the military regime, evoking international condemnation. Nonetheless, the strategic interests of Washington prevailed over the protection of democracy and human rights: General Zia became a key ally of the United States in the anti-communist crusade when the Soviets invaded Afghanistan in

December 1979. He played major role in the US Cold War strategy in the region by supporting the Afghan *mujāhidīn* resistance against the Soviet invasion. Due to its geostrategic regional dynamics and its geographic location, Pakistan was the only state through which the United States, Western Europe and the Muslim world could provide support to the *mujāhidīn* fighters. Through the ISI, Zia practically ran the Afghan war²⁷ and received substantial amounts of aid from Americans.²⁸ Husain HAQQANI (2016: 3) argues, ‘the Islamists have been allies in the Pakistani military’s efforts to seek strategic depth in Afghanistan and to put pressure on India for negotiations over the future of Kashmir’. Selected *jihādists* were given support by the military establishment of Pakistan; the role of the ISI-army conglomerate in distributing aid to the selected groups was pivotal. As BROWN and RASSLER (2013: 53) point out: ‘with the hundreds of millions of dollars in military aid that began pouring from the United States and other countries into Pakistan after the Soviet invasion of Afghanistan, Zia and the ISI, Pakistan’s ubiquitous intelligence agency, had tremendous resources at their disposal with which to manipulate the direction of the Afghan insurgency’. As a result of the almost decade-long war, approximately 3 million Afghan refugees entered Pakistan, beginning the protracted refugee tussle between Pakistan and Afghanistan, which continues today. The Federally Administered Tribal Areas (FATA²⁹) emerged as an important hub for the production of weapons to supply the deadly commerce of the Afghan war. Kalashnikov culture was sown in the region as a result of the fact that weapons, including cheap Kalashnikovs, became easily available throughout the country. In 2005, a Kalashnikov could easily be bought on the open market for only Rs. 3,000.³⁰ The oil-rich Saudis played significant role in spreading Sunnī Islamic extremism in the region by financing Afghan *mujāhidīn* through the Pakistani intelligence establishment, matching the US contributions dollar for dollar.³¹ The Pakistani ISI started recruiting Islamic fighters in 1982, with the *jihād*’s headquarters in Peshawar, close to Afghan border. The ISI and Saudi Arabia’s Ministry of Intelligence closely cooperated with Islamic revivalist organisations such as the Muslim Brothers and Jamaat-e-Islami. The passage of young, determined fighters to Peshawar was funded and facilitated by the Muslim Brothers and the World Muslim League. Around 35,000 militants went to Afghanistan between 1982 and 1992, and untold more attended the frontier schools; approximately 12,000–25,000 of the Islamic warriors came from Saudi Arabia.³²

The Pakistan-US military cooperation was always observed with grave suspicion in India, which saw it as a direct threat and a hostile attempt at undermining Delhi’s regional predominance. Concerns over the US ‘supplying lethal weapons’ to Pakistan were openly expressed by the Indian government: ‘The reactivation of Pakistan’s military machine, which the US decision will necessarily bring about, will pose a threat again to India’.³³ Supporting Pakistan was also considered hypocritical in the face of Washington’s declared commitment to democratic values and HR.³⁴ In the

eyes of Indian Nehruvians, who dominated in shaping the country's foreign policy during the Cold War, Pakistan was controlled by powerful *zamīndārs* and the military leaders, who sustained the perception of India as a mortal threat.³⁵ Alliances with powerful protectors, such as the United States and China, provided Pakistan with the military and diplomatic strength to pursue its policy against India (including Kashmir). At the same time in the 1960s and 1970s, India's growing tilt towards the USSR,³⁶ a state with a despicable record on HR violations and a brutal undemocratic power policy in the Central/Eastern European satellite states, gathered pace. For both South Asian neighbours, the territorial dispute over Kashmir continued to be a manifestation of their respective national identities (at that time the politically projected Indian nationalism was mostly based on secular values, Pakistani on religious and ethnic) and multifaceted power rivalry.³⁷

Notes

1. TALBOT (2015: 474).
2. SISSON–ROSE (1990: 8).
3. RIAZ (2016: 16).
4. SHAH (2014: 102).
5. PCGP (1970: 25, Table 2).
6. The term 'Bengalis' refers to the linguistic group from either East or West Bengal. It does not distinguish between Hindu and Muslim Bengalis (SANTOS 2007: 165, note 1).
7. SISSON–ROSE (1990: 9).
8. COLOPY (2012: 332).
9. MAMOON (2010: 12).
10. FAIR (2014: 144).
11. MANSUR (2018: 79).
12. DATTA (2013: 8).
13. MANSUR (2018: 87).
14. DATTA (2013: 27).
15. RAGHAVAN (2013: 259).
16. HOODBHOY–NAYYAR (1985), see also: HOODBHOY–NAYYAR (2005).
17. ALI (2011: 44).
18. CHOWDHARY (2016: 197).
19. AZIZ (2015: 84).
20. More on this issue, see: CHARI–PERVEZ (2001).
21. LAMB (1991: 305).
22. WILSON (2009: xxii).
23. More on the process of Islamization: AZIZ (2009: 55). On political, economic, sociocultural and external factors of radicalisation/Talibanisation: RANA–SIAL (2012: 14–35).
24. HAQQANI (2016: 198).
25. SeSP.
26. HAQQANI (2013: 219).
27. GALL (2012: 12).
28. MARTIN (2016: 76).
29. Merged with the adjacent province Khyber Pakhtunkhwa in 2018.
30. MARTIN (2016: 76).

31. [MARKEY \(2013: 98\)](#).
32. [COMMINs \(2006: 174\)](#).
33. In: [JAIN \(2007: 297\)](#).
34. [AYRES \(2002: 9\)](#).
35. [BAJPAI \(2013: 92–93\)](#).
36. [SCOTT \(2011b: 244–255\)](#).
37. On convoluted interdependence between territorial claims and persistent rivalry: [RASLER–THOMPSON \(2006: 145–167\)](#).

6 The turbulent 1990s

Insurgency and the bomb

Agnieszka Kuszewska

The insurgency in the Kashmir Valley, which erupted violently in the late 1980s with the backing received from the Pakistan-based proxies, opened another chapter in the history of Indo-Pakistani antagonisms and ushered in an unprecedented militarisation of the region, accompanied by dispossession and human rights (HR) violations against the local population, committed by the Indian armed forces and by the *jihādīst* militants.

The appalling violence wreaked havoc on life in J&K in the last decade of the 20th century, the same era which brought the collapse of the communist regimes in Europe and the end of the Cold War. The triumphant Western world led by the United States, which acquired the position of the sole global superpower, proclaimed the victory of capitalism and liberal democracy, peace and freedom. Whilst the Round Table talks in Poland (6 February–April 1989) and the fall of the Berlin Wall in Germany's capital (9 November 1989) symbolically heralded the new era of European cooperation and integration, the geopolitical situation in South Asia did not show any signs of improvement and de-escalation. Conversely, in the aftermath of the Afghanistan war, the last Cold War conflict (often erroneously referred to as 'peripheral'), which contributed to the fall of the Soviet Union, the Kalashnikov culture, Islamic radicalisation and *jihādīst* groups sponsored by the Pakistani Deep State, were soon to produce deadly effects. The situation in the Valley escalated at the end of the 1980s into a long term, violent insurgency, to which various domestic and external political and socio-economic factors had their contribution.

In December 1984, the parliamentary elections in India were won by the Congress Party, with Indira Gandhi's son, Rajiv emerging as the new leader. The political support for his party rose after the assassination of Indira on 31 October 1984 by her two Sikh bodyguards.¹ Pakistan meanwhile remained under General Zia ul-Haq's Islamic regime. In August 1988, the dictator died along with other officials, including Arnold Lewis Raphel, the then US ambassador to Pakistan, in a mysterious plane crash near Bahawalpur in Punjab. A decade of civilian rule by Benazir Bhutto (the first female Prime Minister of a democratic government in a Muslim majority country) and then Nawaz Sharif (each of them serving two incomplete terms) began,

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under the enhanced position of the army directly managing the policies towards Afghanistan and Kashmir. Theoretically, the new, young civilian leadership in India and Pakistan (Benazir and Rajiv, both too young to be overwhelmed by the memory of the atrocities committed during the 1947 partition) gave hope for an improvement of bilateral relations, including the resolution of the Kashmir issue. It quickly appeared, however, that these expectations proved unmet.

6.1 The insurgency in IaJK

The communal aspect of the Kashmir conflict reflects the history of partition and the Indo-Pakistani rivalry. It also has its vernacular specificity, marked by the uniqueness of Kashmir's sociopolitical conditions and dynamics. The last three decades of the uprising are marked by the enhanced division of Kashmiris along communal lines. Kashmiri Hindus and Kashmiri Muslims are separated territorially due to the migration of Pandits from the Valley, and culturally due to the fact that another generation of Kashmiris grew up separately in the atmosphere of communal hatred that was engineered and nourished by various stakeholders in J&K. The popular insurgency which erupted in parts of Indian-administered Jammu and Kashmir (IaJK) at the end of the 1980s, followed by India's punitive counter-insurgency operations and intensive militarisation, shaped the sociopolitical realities particularly in the Kashmir Valley and Jammu, and became an inseparable element of Indo-Pakistani hostile discourse. The uprising contributed to the re-internationalisation of the Kashmir conflict and provided the incentives for the NGOs and GOs to deliberate on human rights (HR) situation in the disputed region (see BALCEROWICZ–KUSZEWSKA 2022a). Accusations of HR violations have become a significant tool in the political rivalry between India and Pakistan, where mutual allegations and the blame game serve mostly to undermine the rival's international position.

The origins of the uprising were largely indigenous. In the late 1970s, the perception of India's policies in Jammu and Kashmir (J&K) further deteriorated and, as [Alastair LAMB \(1991: 331\)](#) argued 'by 1991 it has become apparent that the Indian Republic is faced with, at least in that part of the Vale of Kashmir it occupies, what can only be described as a terminal, colonial situation. It can hold its own solely by the application of force: the population does not welcome its presence and would not vote for the continuation of its control in any electoral process which was remotely free'. Economic stagnation and rising unemployment (the number of unemployed skyrocketed from 10,000 in 1971 to 150,000 in 1986²) were key factors that exacerbated the sense of disenchantment; the predominantly Muslim population regarded itself as deprived of the fruits of India's economic development. In 1989, one-third of the state's population was unemployed.³ Educated, middle-class Kashmiri Muslims (including the diaspora in the United Kingdom) increased their political activism⁴ and more often expressed their growing disappointment

and sense of what they regarded as multi-dimensional exclusion.⁵ The situation deteriorated with the death of Sheikh Abdullah on 8 September 1982. Before he passed away, he appointed his son, Farooq Abdullah, as his successor and the president of the National Conference, thus implementing the political tradition of power transfer *via* intra-family leadership succession, not democratic elections. On 21 August 1981, Sheikh delivered a speech⁶ in the Iqbal Park in Srinagar in the presence of the inhabitants of the city, where he ‘coronated’⁷ Farooq.

The escalation of the protests in IaJK was therefore generated by various political, security-related, economic and social factors. The most important were the mixture of Indian misrule in Kashmir, Pakistan’s *Kaśmīr banegā Pākistān* (‘Kashmir will become Pakistan[i]’) strategy with its profound consequences, and the deep, historically inherited Kashmiris’ desire for self-determination. It may be assumed that the policy failure (with rigged elections) was the major reason for the escalation of violence and the Valley insurgency was an indigenous phenomenon that resulted largely from Indian mismanagement.⁸ The particular ‘interaction of political factors and national identity’⁹ may be regarded as additional roots of the uprising. Wajahad HABIBULLAH (2004: 5) noted: ‘Throughout the 1980s, as the Kashmiri people suffered from a stagnant economy and high unemployment, their government was scarred by corruption, riddled with nepotism, and prone to blunders. After a series of missteps by the state and central leadership culminated in 1987 in what appeared to the Kashmiris to be a rigged election, the Kashmiris’ anger boiled over. Violence increasingly marked the expression of their political demands’. According to A.G. Noorani, the author of a detailed two-volume analysis of the Kashmir dispute, the rigging of the 1987 elections to the State Assembly, ‘proved to be the proverbial last straw on the camel’s back’.¹⁰

Pakistani establishments’ engagements with their proxy strategy in IaJK dating back to 1947 gained enhanced role in the escalation of the Valley uprising, yet it can be argued that the insurgency erupted due to the following root causes:

- The historically inherited victimhood and desire of mainly Kashmiri Muslims for self-determination, dating back to at least the Dogra regime.
- India’s mismanagement, institutional decline not addressed by the subsequent administrations in New Delhi, the largely postcolonial, hegemonic approach vis-à-vis Kashmir, central governments’ policy failures on multiple levels and the lack of sufficient, coherent, people-oriented strategy.

In March 1987, the state elections (75% turnout, the highest ever) in J&K were rigged with the Muslim Alliance Front (MUF, formed by 13 parties, led by Jamaat-e-Islami) gaining only 4 seats, much less than pre-election estimates showed. Many Kashmiri Muslims supported the MUF: a political

and religious platform established to struggle against the interference of the New Delhi government in J&K's internal affairs.¹¹ The MUF leaders called for strikes and some of them were arrested. The National Conference (got 66 seats out of 75) entered into an opportunistic alliance with the central government in India, abandoning its traditionally perceived role as the protector of Kashmiri identity. The rigging led to massive protests and strikes, which continued throughout 1988. The Alliance activists expanded contacts with Pakistan and started going to Azad Jammu and Kashmir (AJK) for training and weapons. Pakistan used the popular dissatisfaction in the Valley and opportunity that the uprising gave by intensifying its revisionist strategy of supporting the Islamic militants (including former Afghan mujahideen) and infiltration across the LoC. In cooperation with Pakistani key intelligence agency, the ISI (Inter-Services Intelligence), they escalated the armed rebellion and popularised the slogan of *āzādī* (freedom; considered tantamount to accession to Pakistan by *jihādists*) among some Muslim Kashmiris in the Valley. On 31 July 1988, a home-made bomb was detonated at the Srinagar telegraph office; this set off the uprising against Indian rule in the Valley.

In the early stages two important groups from the Valley—Hizb ul-Mujahideen (Hizb al-Mujāhidīn, HuM; Party of Holy Warriors), under the leadership of Muhammad Yusuf Shah and the Jammu Kashmir Liberation Front (JKLF) led by Yasin Malik, though with different ultimate goals, fought for freedom for Kashmir.¹² The JKLF called for the complete independence of J&K from both India and Pakistan. Kavita SURI (2011: 70) writes, 'The armed conflict in Kashmir (...) was initially led by the Jammu and Kashmir Liberation Front. (...) It fought for an independent, but secular, Kashmir. The hedging of Kashmir with Pakistan was never its objective'. Notably, the first phase of militancy in IaJK (at the turn of the 1980s and 1990s) was dominated by urban, middle class and secular JKLF, with insurgency concentrated in Srinagar and certain rural centres—Anantnag, Baramulla, Kupwara.¹³ The culmination of an early stage of full blown violence came on 8 December 1989, when the JKLF kidnapped Dr. Rubiya Sayeed (the daughter of the then Indian Minister of Home Affairs, Mufti Mohammad Sayeed) in Srinagar. They demanded releasing some of the imprisoned members of their group. The HuM, a pro-Pakistani Islamic organisation, advocating the unification of IaJK with Pakistan, was established in the Valley in 1990 and is regarded as a militant wing of the political party, JeI. Jamaat contested popular Šūfism, opposed the National Conference rule and aimed at the Islamisation of Kashmiri society. JeI's activities expanded since the 1950s and Sheikh Abdullah's attempts to curb them by closing the party's *madāris* and restricting its student wing turned out to be insufficient.¹⁴ JeI covertly supported the militants: 'For these militants the call for *āzādī* was transformed into *jihād* against India in order to Islamise the sociopolitical set up of Kashmir, establish Islamic law, merge Kashmir with Pakistan, which should be followed by unification within Muslim *Ummah*

and establishment of an Islamic Caliphate'. According to Haroon Ullah, the JeI's role was 'of a facilitator than of a direct actor', which enabled the party 'to show its solidarity with violent extremists without actually getting blood on its hands'.¹⁵ Apart from HuM, during the formative phase of militancy, the *jihādi* fighters joined other groups, engaged in proxy war against Indian forces and promoting pan-Islamic agenda in Kashmir, such as Jamiat-ul-Mujahideen, Harkat ul-Ansar (with *mawlānā* Masood Azhar Alvi,¹⁶ who in 2000 established a splinter group, Jaish-e-Mohammad, both designated as terrorist organisations by the United States), Allah Tigers (in 1989 it terrorised Kashmiris by firstly issuing warnings to close the services regarded by them as 'un-Islamic', and then organising bomb blasts or attacking the liquor shops, cinema halls). There was even an all-women separatist outfit, called Dukhtaran-e-Millat¹⁷ (Daughters of the Nation, a banned terrorist organisation in India since 2018), founded in 1987 by Asiya Andrabi, a self-proclaimed 'Islamic feminist'.

In 1989, two prominent Pandits were assassinated in Srinagar: Tika Lal Taploo (a lawyer and the President of BJP, Kashmir Chapter) and Nila Kanth Ganjoo (retired judge who had given a death sentence to Maqbool Bhat, the leader of JKLF, *vide infra*).¹⁸ The subsequent escalation of targeted, brutal killings terrorised the Kashmiri Hindu minority¹⁹; the insecurity and sense of lawlessness in the Valley rose and soon after it forced Kashmiri Pandits to migrate. The brutality of Islamic militants against the Pandit community, especially in 1989/1990, was highlighted by Bansi Pandit and Teresita Schaffer.²⁰ Notably, the Pandit leaders accused the militants of targeted ethnic cleansing, and the Indian government (especially the Home Affairs Minister, Mufti Syed and the 5. Governor of J&K, Jagmohan Malhotra) of masterminding the exodus in order to drive out the militants.²¹ Approximately 100,000–150,000²² refugees left Kashmir, some of them were placed in distressing conditions in refugee camps in New Delhi and Jammu. Sanjay Tickoo, the head of the Srinagar-based Pandit organisation, and Kashmiri Pandit Sangharsh Samiti (Kaśmīrī Paṇḍit Saṅgharṣ Samiti, KPSS) estimates that there are currently around 3,000 Pandits in the Kashmir Valley, whereas in 1989, there were 140,000. According to his data, around 650 were killed in Kashmir between 1989 and 2008.²³ According to Paul Jiji (2010: 170), 'from 1985 to 2006 more than 290 Pandits had lost their lives'. The anti-Indian uprising and the geostrategic dynamics in the last three decades decisively contributed to reorient and Islamise the narrative in the Valley. The repatriation of exiled Kashmiri Pandits remains one of the most crucial, yet unmet, tasks for the peace process in Kashmir.

For many secular Kashmiri nationalists, 11 February 1984 is an important day in the history of the secessionist movement. Muhammad Maqbool Bhat (also spelled Maqbool Bhut), considered one of the distinguished pioneers and symbols of the Kashmiri independence struggle,²⁴ was hanged on that day in Tihar Jail, New Delhi, on charges of murder and conspiracy.

Bhat, who had already been incarcerated with death sentence, was executed after Ravindra Mhatre, an Indian diplomat who worked at the Indian embassy in London, was killed by Kashmiri militants. The kidnappers demanded the release of Bhat and his associates from prison, but the Indian government refused to cooperate. It is worth to refer briefly to Kupwara-born Bhat's earlier activities. In 1965, he was a co-founder (with Amanullah Khan and Abdul Khaliq Ansari) of an underground organisation called the Plebiscite Front, advocating independence of the entire PSJ&K, and later established its armed wing, the National Liberation Front (NLF), headquartered in Muzaffarabad (Pakistani-administered Jammu and Kashmir, PaJK). The aim was to carry out covert operations (political and military) in J&K in order to precipitate popular demands for self-determination. The infiltration was not successful—this group had not enough resources as it did not receive support from Pakistani establishment. Praven SWAMI (2007: 5) explains the motives: 'in the wake of its 1965 defeat [in the second Kashmir war with India—AK] Pakistan needed to calibrate the jihad carefully, to ensure that it did not escalate into full-blown war. (...) Freelance expeditions of the kind the NLF had mounted were not the kinds of enterprises Pakistan's covert services were interested in encouraging'. In India Bhat was arrested and later escaped from Srinagar prison²⁵ back to AJK, but then, he was imprisoned and tortured by Pakistan on suspicion of being a double agent. Notably, Bhat was disenchanted with what he believed was a lack of Pakistan's genuine support for the Kashmiris: 'Pakistani ruling class has never ever supported Kashmiris in their struggle for freedom, as they should have done. This class has never been interested in the liberation of Kashmiris. Whatever they say is merely lip service, and must not be trusted'.²⁶ In 1971 he was accused of masterminding the hijacking of Indian Airlines passenger flight,²⁷ in the mid-1970s, he crossed the LoC again, and once again was arrested after he allegedly participated in bank robbery in Kupwara (an employee was killed). Bhat was also regarded as a co-founder of the NFL successor, a militant organization, in 1977 named Jammu Kashmir Liberation Front (JKLF) with independent secular Kashmir as its goal. The JKLF was established in Birmingham by the former NLF members (Amanullah Khan), who migrated to the United Kingdom. By a portion of secular Kashmiri diaspora and proponents of Kashmir's independence, Maqbool Bhat is considered an icon and a martyr and referred to as the father of the (Kashmiri) Nation. In their narrative, he is a victim of the persistent subjugation perpetrated by both Indian and Pakistani establishments against Kashmiris and a symbol of secular background of Kashmiri freedom struggle. The date of his execution is commemorated with strikes and protests by Kashmiri nationalists across the world.²⁸ They refer to his understanding of *āzādī*: 'by liberation we don't mean merely the end of foreign occupation from the land of Kashmir but we want our people to be liberated from the forces of poverty, backwardness, ignorance, diseases, injustice and economic and social disparities'.²⁹ Few years after Bhat's

execution, the Valley was in the throes of a full-blown, armed secessionist insurgency which received vehement reaction from India.

JKLF received support from the large, influential group of migrants from the Mirpur area of AJK, who constitute a significant component of the South Asian community in the United Kingdom. Praveen SWAMI (2007: 129–130) argued that ‘drawing on the resources of new overseas ethnic Kashmiri and Mirpuri patrons, Amanullah Khan was able to bring about a rapid expansion of the organization by attracting radicalised Kashmiri youth. The JKLF branches were soon set up in Pakistan, Denmark, Holland, Saudi Arabia, the United Arab Emirates, Germany, France and the United States’. Notably, in the post-1975 era (following the accord signed by Abdullah and Indira Gandhi), a new militancy was born in the Kashmir Valley, accompanied by cross-border activities and secret meetings with the ISI, which started already in 1983,³⁰ much ahead of the popular rebellion. These contacts were tremendously enhanced after 1987, which manifested itself by increasing number of bomb blasts in Srinagar and targeted kidnappings, rapes and brutal killings of the Pandits. The new militants were disillusioned, radicalised youth, who associated themselves with the Amanullah Khan-led JKLF. On one hand, they referred to the Plebiscite Front traditions, on the other, they criticised Sheikh Abdullah for sacrificing the quest for a plebiscite on the altar of power.³¹ They felt disenfranchised by the Indian state, which they wanted to manifest symbolically—important days for Indian Republic were deemed Black Days for Kashmir: civil curfews were observed on 26 January (India’s Republic Day, on that day in 1989 for the first time the complete shutdown in the Valley was imposed), 15 August (Independence Day) and on 27 October,³² when Indian forces landed in Kashmir, a day after Maharaja Hari Singh had signed the IoAJ&K to India.

Facing the escalation of the unrest in 1989, the Indian government decided to introduce heavy measures to curb on the insurgency and put the volatile region under the governor’s rule. Farooq Abdullah was dismissed and Jagmohan, who took the position as the Governor of J&K, was free to pursue a belligerent response combined with militarisation of the Valley, for which he had a support of the Indian government. Nominating Jagmohan and allowing him to implement his repressive policy is considered by some authors as a grave mistake by the Indian policymakers.³³ His aim was to quell militancy at all costs. For that purpose, the system of repressions against the actual and alleged militants, which rapidly turned into an institutionalised, collective punishment for Kashmiris for the militancy, was introduced. It included cordon and search operations in the villages, crack-downs, extended curfews, fake encounters, enforced disappearances and various abuses perpetrated by the security forces, including torture, rape, arbitrary detentions, verbal abuse and humiliation. As a result, the situation further deteriorated and the people encouraged by the mosque loudspeakers took to the streets. Draconian laws, which sanctioned the systematic HR violations and enabled the security apparatus to act with impunity,

such as the Jammu and Kashmir Public Safety Act (JKPSA) and the Armed Forces Special Powers Act (AFSPA) were introduced (more: BALCEROWICZ–KUSZEWSKA 2022a: § 3.4). The killings of unarmed civilians became a tragic tool of suppression, with the worth-mentioning example of Gawkadal massacre on 21 January 1990, when the Central Reserve Police Force killed at least 50 and injured hundreds people attending a protest rally in Srinagar. Nobody was punished for that crime, one of the most appalling massacres in Kashmir, and no Indian government made an apology to the Kashmiris. Massive protests where some people chanted ‘Indian dogs go home’ or ‘long live Islam’ were suppressed by police and paramilitary forces. The militants’ struggle evolved into a massive uprising of Kashmiri Muslims,³⁴ with the indirect support of Pakistan’s military establishment and non-state actors (for example, the HuM, which became one of the largest militant Islamic groups operating in Kashmir,³⁵ with training camps in AJK, actively participated in the insurgency). The communal violence did not involve Jammu and Ladakh in the uprising, which spread merely among Kashmiri Muslims from the Valley (yet Jammu was affected by the Pandits’ displacement). Notably, at the same time, in August 1989, the Buddhist-Muslim communal rivalry in Ladakh (divided in 1979 by Sheikh Abdullah into two districts, Leh and Kargil, which bolstered the communal fault lines) escalated into Ladakhi Buddhists’ demands for separate union territory status. Their perception of self-determination largely differed from the Valley. They were represented by Ladakhi Buddhist Association, which vehemently protested against persistent Kashmiri Muslims dominated administration and economy, and unfair distribution of resources in J&K.³⁶

The early phase of the uprising in the Valley was indigenous, but by the mid-1990s, the struggle turned more into an offshoot of the Afghan war, carried also by foreign militants with the ISI support. These people, with *pan-jihādīst* posture, had no cultural bonds with Kashmiri culture. They abused local Kashmiris, especially the Kashmiri women, which did not assure them support from the majority of population.³⁷ It created discontent with the militancy among many people. Over the years, some Pakistan-sponsored groups became increasingly unpopular among Kashmiris for their HR violations, including the attacks on women and their attempts to introduce a fundamentalist version of Islam, by imposing a strict Islamic dress code, and other ‘moral’ restrictions. To some Kashmiris, it resembled a pan-Islamic *jihād* rather than a struggle for the empowerment of the Kashmiri people. In the eyes of many Kashmiri Muslims this radicalisation brought a tragic set of events, when in the beginning of the 1990s, their Hindu Pandit neighbours were compelled to flee from their homes. Notably, the Human Rights Watch in one of its numerous reports on Kashmir quoted a Kashmiri journalist, who highlighted the threat coming from the foreign militants: ‘We know what the army can do. We are familiar with their abuses. They can kill us, but they cannot destroy us. But the militants are gradually changing our very ethos.... They are killing with impunity and we

can never tell who they are. There is considerable evidence that over many years Pakistan has provided Kashmiri militants with training, weapons, funding, and sanctuary'.³⁸

A particularly strong condemnation of pro-Pakistani militancy took place in 1994 when *mīrwā'iz* of South Kashmir, Qazi Nisar, a respected cleric, was falsely charged for collaboration with India and killed, allegedly by the HuM fighters near Anantnag. Enraged masses took to the streets fuelled by growing disillusionment and started shouting such slogans as *Hizb al-Mujāhidīn murdābād* ('Death to Hizb-ul Mujahideen') and *Jo māmgegā Pākistān, usko milegā kabristān* ('Whoever asks for Pakistan, will get the graveyard'). Navnita BEHERA (2006: 164) argues, 'the romantic vision of the [promised land of Pakistan] had faded quickly'. On 14 July 1994, Harinder BAWEJA (1994) highlighted in *India Today* the brutality of the HuM and pointed out that 'Kashmir became a battleground for dirty gang wars', where a rivalry among the militant groups was being pursued. Some common Kashmiris strongly condemned the militancy noting that they were caught in the middle of a struggle between the militants and the Indian security forces.³⁹ According to them, Pakistan's support for self-determination (if it ever existed) had turned out to be a struggle for the incorporation of Kashmir into Pakistan. Notably, in 1994, the JKLF Yasin Malik's fraction renounced its armed struggle and declared indefinite ceasefire. Earlier, Malik had been released from prison. At that time, the All Parties Hurriyat Conference (APHC, an alliance of over 20 Kashmiri political, religious, militant groups, including JKLF) was established. Towards the end of the 1990s, the position of the hardliners within APHC was strengthened. Syed Ali Geelani, the pro-Pakistani separatist leader of Jamaat-e-Islami (Jam'ā't-e-Islāmī, JeI), became the head of the APHC in 1998.⁴⁰ In 1996, amidst severe turmoil in J&K, the Abdullah family (Sheikh's son, Farooq as the Chief Minister) was brought back to power. Periodically, the Abdullah leadership was used by India to appease local population and to improve New Delhi-Srinagar interactions. This practice definitely ceased with the abrogation of J&K's semi-autonomy in 2019, when New Delhi's strategy of centre-led management was brought to a new level.

The mid-2000s brought a resumption of a composite dialogue, which signified a short-lived, but important *détente* in Indo-Pakistani relations. Notably, in January 2004, first-ever talks between the Indian government representatives and one of the factions of the APHC were held (interestingly, it was the BJP's Atal Bihari Vajpayee's government, which gave discursive space to the separatist leaders). A significant rift within the movement became palpable. The JKLF's leader Yasin Malik and others who took part in the talks evoked immediate condemnation from the hardliners who opposed any dialogue with India. The fraction of JKLF's founding leader, Amanullah Khan, opted for an armed struggle. The local pro-Pakistani armed groups such as HuM with thousands of militants and Pakistan

military establishment's support wanted to take control over Kashmiri freedom movement.

6.2 Nuclear neighbours

On 13 March 1990, during another crisis between the two states, Pakistan's Prime Minister Benazir Bhutto said that Pakistan would fight for a 'thousand years' to free Kashmir.⁴¹ India's rapid riposte that Pakistan could not even withstand a thousand hours of war against India⁴² came with the urging that the Indian nation be 'psychologically ready' for the possibility of war with Pakistan.⁴³ At that time, in the post-Zia era, Pakistani civilian leadership was under the overriding influence of the military/intelligence establishment and corruption allegations were used as a political tool to strengthen the army's behind-the-scenes role, to undermine the position of civilian leaders, and oust them when necessary.⁴⁴ This was the fate of Benazir Bhutto's government, and later on of Nawaz Sharif's.

The dynamic evolution of the insurgency in IaJK had substantial contribution to the escalation of accusatory rhetoric between India and Pakistan, aimed to denigrate the rival's credibility both domestically and internationally. New Delhi repeatedly accused Pakistan of supporting the militants and sponsoring terrorism. In December 1989, Pakistan deployed 200,000 of its own troops to conduct massive military exercises to demonstrate its strength; Bhutto's 'thousand years' and the escalation of the narratives on both sides prompted the then US President George H. W. Bush to send a mission to the region headed by Robert Gates, who was at that time the US Deputy National Security Advisor. The mission helped the Indian and Pakistani authorities to defuse the tension. When the crisis with India faded, the army decided to remove Benazir Bhutto from office on corruption charges and for 'being pro-American' and 'too liberal'. The ISI and JeI worked actively to denigrate Benazir, especially among conservatives (by distributing her picture with her mother, both wearing bikinis or dancing with the former US President Gerald Ford).⁴⁵ At the same time, the efforts were made to promote and elect Nawaz Sharif (who had been General Zia's *protégé*) as the new Prime Minister. The practice of engineering the election process by the Deep State became an inseparable element of the Pakistani political landscape. Political turmoil, which included the policy of *divide et impera* regarding the civilian leadership through elevating by turns Bhutto and Sharif to power,⁴⁶ was orchestrated in Pakistan throughout the 1990s and it served the military establishment's strategic interests extraordinarily well. Above all, it enabled the army to continue its proxy strategy in Kashmir and Afghanistan and to keep the Indo-Pakistani relations on a collision course. In July 2018, the history of Pakistani general elections to a large extent repeated itself when Imran Khan was elected to be the next Prime Minister after Nawaz Sharif took a confrontational stance against the army.

Being a nuclear state is highly revered by both India and Pakistan establishments and significant segments of both societies. The atomic bomb has become a source of national pride, an inalienable element of both states' patriotic narrative, a collective military-imposed sacrifice for both poverty-stricken nations. This phenomenon is not only restricted to South Asia. As Forsberg *et al.* point out, 'states seeking weapons of mass destruction may want them for military purposes (including intimidation or deterrence), for political influence, for national pride, or for international status. The presence of nearby nuclear powers is a powerful and cascading incentive to develop nuclear weapons. (... Pakistan acquired its arsenal because of India, etc.).'⁴⁷ India's quest for nuclear technology and its first nuclear test conducted in 1974 was a component of a regional strategic rivalry in the aftermath of the Chinese test carried out a decade earlier. India's image as the major emerging power propounded by subsequent governments was fostered by attaining membership in the elite nuclear club. Notably, the first Pakistani nuclear test was conducted under the civilian government of Nawaz Sharif in 1998, not under the military regime. Nuclear status enhanced Pakistan's self-esteem and was aimed to bolster its international position, especially vis-à-vis India—obviously, the official narrative was based on this supposition.

Undoubtedly, the dynamics of the Indo-Pakistani conflict entered a new phase at the turn of the 21st century when the two neighbours, who had actively developed nuclear weapons in the 1980s,⁴⁸ conducted underground tests in May 1998. India detonated its devices on 11 and 13 May, Pakistan responded on 28 and 30 May. The government in New Delhi projected it as materialisation of enduring quest to reassert India's position among global powers with nuclear capabilities, and as a reminder of strategic supremacy over its South Asian enemy. For Pakistan as well, the bomb has both ideologically and strategically determined value. It remains an inalienable element of its security dilemma aimed at accomplishing its everlasting obsession: gaining strategic balance vis-à-vis India in the region.⁴⁹ Its acquisition is also depicted by the ruling establishment (both military and civilian) as a collective, patriotic duty, an effort and sacrifice of the entire nation⁵⁰, a symbolic unifying force against powerful enemy. Both rivals viewed successful tests as a matter of national pride, a precious asset worth any expenditure, even at cost of fundamental socio-economic challenges. The weapons programme, vital to the 'national interests', was outlined as a source of pride and acquiring nuclear weapons is perceived as a success by the majority of Pakistanis. It strongly corresponds with the two-nation theory, which incessantly serves as a conceptual framework to materialise Pakistan's India-centric strategic objectives.

The nuclear aspect had vital consequences for the international security landscape and for the protracted enmity between India and Pakistan, including the Kashmir conflict. It transformed the regional geopolitical climate, the nature of bilateral rivalry and introduced the 'logic' of strategic

nuclear deterrence. Both India and Pakistan have yet to sign the NPT (Non-Proliferation Treaty).⁵¹ India explains its refusal on the grounds of the treaty being discriminatory; Pakistan pledged it would sign the NPT once India does. Pakistan shares India's opinion on the discriminatory character of the treaty.⁵² The debate over whether nuclear weapons eliminate the likelihood of the eruption of major wars (and if so, to what extent) is ongoing.⁵³ The stability/instability paradox—international relations theory regarding nuclear aspects, with its destructive risks, mutual deterrence and retaliatory capabilities—remains a point of reference in the debate surrounding the Indo-Pakistani security relationship.⁵⁴ According to this hypothesis, formally coined by Glenn SNYDER (1961), possessing nuclear weapons may promote strategic stability by reducing the danger of a full-scale war, but at the same time, it may also increase tensions between adversaries as it simultaneously allows for more risk-taking in lower level conventional violence. Kenneth WALTZ (2004: 390–391) writes, 'Once countries have nuclear weapons any confrontation that merits the term "crisis" is a nuclear one. With conventional weapons, crises tend towards instability. Because of the perceived, or misperceived, advantage of striking first, war may be the outcome. Nuclear weapons make crises stable, which is an important reason for believing that India and Pakistan are better off with than without them. Yet because nuclear weapons limit escalation, they may tempt countries *to fight small wars...*' (italics—AK). These 'small wars' affect the already vulnerable people: regular shelling along the LoC which has detrimental effects for those living close to the border on both sides remains a constant feature of this rivalry with both India and Pakistan accuse each other of 'unprovoked firings' and violations of the mutual ceasefire accords.

Soon after the nuclear tests, the Indian BJP government agreed to launch a bus service between Amritsar and Lahore (regular road transport had been suspended since 1965). In the presence of journalists and officials, Prime Minister Atal Bihari Vajpayee initiated the bus connection: he travelled to Pakistan from Amritsar, partly by bus, and reached Lahore where Nawaz Sharif was waiting for him. At the end of the historic Lahore Summit, the Lahore Declaration (LD 1999), considered as an important breakthrough in mutual relations, was signed on 21 February 1999. Both sides declared their will to resolve their conflicts, including J&K, intensify composite dialogue process. Several CBMs were included and in April a Memorandum of Understanding was signed in New Delhi, establishing the India-Pakistan Chamber of Commerce.

The nuclearisation did not prevent the military confrontation between India and Pakistan. In May 1999, a few months after signing the LD, the conflict erupted in high altitude Kargil area of Kashmir.⁵⁵ It was a result of the incursion of Pakistani soldiers, dressed as militants, into the Indian territory. The aim of the intrusion codenamed Operation Badr, was to occupy positions in the Siachen Glacier, vacated by the Indians during the winter (both armies usually retired from the disputed glacier due to harsh winter

conditions) and to sever connection between Kashmir and Ladakh (by controlling the Srinagar-Kargil-Leh highway). The Indian Army launched a counteroffensive,⁵⁶ codenamed Operation *Vijay* (victory) aimed at dislodging the infiltrators in Kargil; the forces were instructed not to cross the LoC. The logistically demanding high altitude war was costly but successful for India. In July, Pakistani regular and irregular forces withdrew and the war ended with *status quo ante bellum*. India till today celebrates its victory over Pakistan with glorification of its soldiers as Kargil heroes.

Prime Minister Nawaz Sharif's mission to the United States in July 1999 to gain support turned out to be a failure. Pakistan did not manage to convince Bill Clinton's administration that India was responsible for the crisis and Washington clearly stated it would not support Pakistan's stance but rather blame it for the conflict escalation.

The Kargil War witnessed the heaviest fighting between India and Pakistan since the 1971 war,⁵⁷ but the deterrent element of nuclear weapons and geo-strategic conditions prevented the escalation of the conflict into a full-fledged war.⁵⁸ In the aftermath of this conflict, Indo-Pakistani relations were again severed and Pakistan's military loss was aggravated by its growing diplomatic and strategic vacuum. The operation damaged Pakistan's international image and cost the lives of hundreds of soldiers.⁵⁹ The civil-military tensions in Pakistan escalated, and one of the indirect results of Kargil was a *coup d'état* and General Pervez Musharraf's takeover on 12 October 1999.⁶⁰ Moreover, this war had its contribution to reorientation of American policy vis-à-vis India with noteworthy Clinton's travel to India in 2000 (after almost 20 years after 1978 Jimmy Carter's visit), where he spent five days, whereas in Pakistan only a few hours.

In 2020, Shakti Sinha, the secretary of Atal Bihari Vajpayee, revealed in his book⁶¹ that the Indian Prime Minister and his counterpart, Nawaz Sharif, were engaged in backchannel talks to end the conflict and spoke on the phone few times during the Kargil War, with the latter being puzzled by the secret planning and conducting the incursion to Indian posts by General Pervez Musharraf and his confidantes. It demonstrated weak position of civilian government in Pakistan's power structure, in particular with regard to its political capabilities of launching reconciliation initiatives vis-à-vis India.

Notes

1. It led to an explosion of unprecedented communal violence against the Sikh community in the first days of November, particularly in Delhi, where, with police inaction, more than 2700 Sikhs were killed by agitated mobs.
2. KADIAN (1993: 16).
3. DAS (2001: 46).
4. KUSZEWSKA (2015a: 222).
5. SCHOFIELD (2003: 125).

6. The full speech of the Sheikh: SINGH (1995: 18).
7. As Jagmohan, who later became the Governor of Jammu and Kashmir, puts it in his magnum opus *My Frozen Turbulence in Kashmir* (JAGMOHAN 2012: 147).
8. GANGULY–KAPUR (2010: 16).
9. WEBB (2012: 83).
10. NOORANI (2013: 548. [Vol. II]).
11. HUSSAIN (2018: 105).
12. TREMBLAY (2018: 237).
13. WEBB (2012: 44).
14. TREMBLAY (2018: 243), endnote 3.
15. ULLAH (2014: 141).
16. His release from Indian prison was among demands by unknown Islamist militant group Al-Faran, which abducted six Western tourists in Anantnag district on 4 July 1995. One of them was brutally beheaded. Azhar was released in 1999, in exchange for hostages from hijacked Indian Airlines Flight 814. On 1 May 2019, he was listed as an international terrorist by the UNSC.
17. WARIKOO (2011: 78).
18. DEVADAS (2019: 287–288), WANI (2019: 340).
19. TREMBLAY (2018: 243), endnote 3. Girija Tickoo, a Kashmiri Pandit teacher from Kupwara district, Lassa Kaul, Director Doordarshan (Television) from Srinagar, Pandit Premnath Bhat of Anantnag, a lawyer, Sarwanand Koul Premi (a poet, translator and scholar) and his son from Anantnag were among the Kashmiris brutally killed by the militants. Many women were raped before being killed. In 1998, 23 non-migrant Pandits were killed in Wandhama (the culprits are unknown).
20. PANDIT (2008: 49–50), SCHAFFER (2005: 25).
21. SIRAJ (2011: 273–4).
22. SIRAJ (2011: 273), SCHAFFER (2005: 25). WEBB (2012: 45) quotes R. Wirsing arguing that altogether approximately 200,000 Kashmiris, mostly Hindus, have fled the Valley and live as refugees in Jammu and elsewhere in India.
23. Conversation with Sanjay Tickoo, Srinagar 2014.
24. Annually, on 11 February, Kashmiris commemorate Maqbool Bhat and take to the streets to demand the return of his remains to enable his burial in Srinagar. They presume that the body of their ‘martyr’ lies in Indian custody (JUNAID 2018: 258).
25. He authored a booklet about his spectacular jailbreak, which was translated into English by the members of Kashmir Freedom Movement (the UK Zone) and published in 2017. In the introduction written by Muhammad Saeed Asad, Bhat is referred to as the Shaheed (martyr). His alleged participation in a bank robbery in 1976 is conveniently not mentioned in the book (BUTT 2017: 11).
26. Quoted after SWAMI (2007: 127).
27. The plane was taken to Lahore and the crisis led to escalation between India and Pakistan. In crucial for Pakistan year 1971 (civil war in East Bengal, *vide supra* §5), India closed its space for Pakistani aircrafts.
28. SWAMI (2007: 105).
29. He also said: ‘My only crime is that I have rebelled against the forces of obscurantism, ignorance, greed, exploitation, slavery, nepotism and hypocrisy’. *Kashmiriat* 2019-05-10.
30. WANI (2019: 339) quotes Fayaz Parra, who conducted an interview with one of the early militants.
31. WANI (2019: 338–339).
32. WANI (2019: 340).
33. BOSE (2003: 95).
34. SCHOFIELD (2003: 148–149).

35. HuM. See also HuM worldview: BLOM (2009: 147–149).
36. On historical dynamics of communal divisions in Ladakh: BEHERA (2006: 115–117).
37. SCHOFIELD (2003: 145).
38. HRW (2006: 4–5).
39. Common Kashmiris often emphasise that they were caught in the struggle between the militants and Indian security forces. Some condemn the militancy and, simultaneously, openly criticise India's repressive policies.
40. BEHERA (2006: 53). More than two decades later, the 90-year-old ailing Geelani (staying under house arrest) chose not to be a 'chairperson for life'. He resigned from his position in 2020, accusing the Hurriyat leadership of corruption.
41. VOHRA (2001: 318), RIEDEL (2013: 111).
42. SASIKUMAR (2009: 79).
43. TI (1990-04-11).
44. See also: HAQQANI (2016: 242).
45. SIRRS (2017: 142).
46. More: BROWN–RASSLER (2013: 109).
47. FORSBERG–DRISCOLL–WEBB–DEAN (1999: 73).
48. PAUL–MORGAN–WIRTZ (2009: 4).
49. KHAN (2015: 76).
50. Thus, the 1965 pledge of Zulfikar Ali Bhutto that if India goes nuclear, Pakistanis will 'eat grass' but will get their own bomb became a reality, particularly for the impoverished segments of society.
51. As a result, they have limited IAEA (International Atomic Energy Agency) safeguards in certain nuclear power plants. CARRANZA (2016: 210).
52. CHATTERJEE (2010: 156–157).
53. RAUCHHAUS (2009: 258–260).
54. KAPUR (2009: 33).
55. FAIR (2014: 150–151).
56. Ashok VERMA (2008: 174–175), an Indian major general, assessed Kargil War as India's 'most creditably managed military events' and Pakistan's misadventure; he cited Chitralli aphorism: 'a sparrow who tried to kick a mountain himself toppled over'.
57. WIRSING (2003: 49).
58. GANGULY–KAPUR (2010: 27).
59. GANGULY–KAPUR (2010: 54).
60. KAPUR (2005: 20).
61. SINHA (2020).

7 Kashmir imbroglio and Indo-Pakistani relations in the 21st century

Agnieszka Kuszewska

7.1 The new post-9/11 dynamics

The New York World Trade Centre terrorist attacks on 11 September 2001 marked a new era in global security politics and brought new dynamics to the region with the launch of the so-called global war on terror in Afghanistan by George W. Bush administration and its affiliates. Once again, Pakistan ruled by a military regime, yet, with its key asset—geographical location—was strategically upgraded from post-*coup d'état* pariah state to a pivotal ally in the Afghan campaign. At the turn of the centuries, the relations between India and Pakistan deteriorated sharply in the aftermath of the Kargil conflict in 1999, the inconclusive Agra summit in 2001, and finally after the New Delhi Parliament attack,¹ carried out on 13 December 2001 by heavily armed Pakistani-trained terrorists. Both countries were again on the verge of war. India broke diplomatic ties with Pakistan by calling back its ambassador from Islamabad (Pakistan's ambassador stayed in New Delhi but was expelled later, in May 2002, in the aftermath of the attack on an Indian army camp in Kashmir in which more than 30 people were killed). The American and Indian pressure on General Pervez Musharraf made him pledge to curb the activities and support for the *jihād*ist groups (such as LeT and JeM), which was announced in his TV address in January 2002 (*vide infra* §11).

The Parliament attack was followed by a prompt reply from New Delhi; India's Minister of Home Affairs Lal Krishna Advani immediately accused Pakistan and the terrorist groups operating on its soil of orchestrating the attack. Indian authorities, encouraged by the American post 9/11 'war on terror' policy, threatened Pakistan with war if the problems of terror were not solved and repeated the allegations that the ISI was responsible for 'cross-border' terrorism and providing aid to the *jihād*ist organisations. India's BJP government stridently demanded that Pakistani leadership with the then President, General Pervez Musharraf, stops providing support for terror groups that were used as proxies in the struggle over Kashmir.² A military build-up, codenamed Operation Parakram, was initiated, the largest mobilisation of Indian troops since 1971 (approximately 800,000) along

the border. The risk of an escalation to an armed conflict was confirmed by the CIA.³ Pervez Musharraf warned that India should not expect a conventional war and threatened to use nuclear weapons if India crossed the LoC.⁴ Under the American pressure, bilateral Indo-Pakistani tension was deescalated and the costly troop mobilisation under Operation Parakram was officially called off by New Delhi in October 2002, without crossing the LoC or the International Border.

The peace process between India and Pakistan was reactivated in 2003 after the diplomatic relations had been restored. This brought a significant thaw in the conflict and, as a result, enabled India and Pakistan to introduce some confidence-building measures (CBMs). In May, the Delhi-Lahore bus connection was resumed, followed by air links in 2004 and the first train service after 40 years. On 25 November 2003, a formal ceasefire along the International Border, the LoC and the Actual Ground Position Line (across Siachen⁵) in J&K was implemented. This positive step, aimed at the de-escalation of tensions, received wide global media coverage. The ceasefire has remained in effect since then but has been repeatedly violated by both sides. In January 2004, Indian Prime Minister Atal Bihari Vajpayee and General Pervez Musharraf met at the SAARC summit in Islamabad. CBMs were discussed in 2005, including the nuclear issues. New opportunities for trade, travel and civil society interactions appeared when the bus connection between Srinagar and Muzaffarabad in Azad Jammu and Kashmir (AJK) was launched, but the families remained divided as it was very difficult in practice to get permission for travelling to the neighbouring country. In 2008, the trade across the LoC (Wagah-Attari) was revived. It was limited to two days a week and restricted to 21 permissible, selected primary categories of products (goods originating in Kashmir either side of the LoC).⁶

The November 2008 series of terrorist attacks in Mumbai, which killed 164 people, were coordinated by the LeT, an Islamic fundamentalist group from Pakistan. The scenario of the escalation/de-escalation rollercoaster was reintroduced into the Indo-Pakistani paradigm—bilateral relations sharply deteriorated in the wake of the deadly attack. India again accused Pakistan of supporting terrorist groups, which were also held responsible for the lethal car bombing at the entrance to the Indian embassy in Kabul in July 2008. According to the Afghan and US intelligence agencies, the Kabul bombing was a joint operation of the ISI and the Haqqani Network, one of the deadliest terrorist groups operating in Afghanistan with the long-time backing of Pakistan's military establishment.⁷

The military/intelligence establishment in Pakistan was never supportive towards reconciliation and the peace process with India, and in the period discussed in this chapter the civilian leadership exerted little control (if any) over the Deep State, which gradually, in the second decade of the 21st century, secured its position of a *de facto* 'real state', controlling key pillars of domestic and foreign policy with civilian government largely playing the role of executor of the army's agenda.

7.2 2010–2020: The decade of lost hope

As an aspiring power with (over)regional ambitions, India proudly depicts itself internationally as the biggest world democracy. This image gets detached from these projections under the BJP-led administration. It enhanced and politicised the far-right religiously motivated nationalism, which was previously associated with Pakistan's Islam-oriented political ideology. Hawkish nationalism and religious majoritarianism have been imported into the education systems, thus infecting new generations with biased image of the neighbouring state and its citizens. In such circumstances, it is easier to agitate supporters of iron-fisted policies, than to empower those who opt for regional cooperation and democratic values. Those who stand against the state-imposed narratives, and touch upon the issues constructed as 'fragile', are intimidated or even killed (among many: Gauri Lankesh, an Indian journalist who spoke against the BJP government, was killed in September 2017, or renowned activist Sabeen Mahmud shot in April 2015 in Karachi for pursuing discussions about Balochi nationalism and rights).

Another key obstacle for improving the relations between India and Pakistan is the fact that South Asian security landscape was shaped by considerable engagement of the external powers with both arch rivals searching for major alliances beyond each other and manifesting the antagonist attitudes as inseparable elements of their distinctive internal and external policies. Lacking successful bilateral collaborative platforms, India and Pakistan are entangled in dynamically evolving geostrategic environment, characterised by persistent encroachment of global powers into the regional affairs. In 2017, India and Pakistan became full members of the Shanghai Cooperation Organization (SCO), which engaged them more directly in regional cooperation initiatives on one hand, but also in regional power rivalries, which include China, Russia and strategically important Central Asian republics. South Asian neighbours will also play a noteworthy role in the Sino-American global rivalry, with steadfast China-Pakistan axis and India's manoeuvring between Washington and Beijing (China is India's key economic partner, but at same time Beijing's growing regional assertiveness is regarded as a major threat), with potential geostrategic tilt towards the former.

In Kashmir, the 2010–2020 decade started with massive escalation of popular protests in the Valley, marked as the watershed in the post-1989 history. It turned the militancy into an immense, indigenous rebellion against the killings perpetrated by Indian armed forces. The new generation of Kashmiri Muslims, whose whole life passed under harsh conditions during the uprising and the massive militarisation, took to the streets in a bid to shout out their anger, helplessness and contempt for what they perceive as decades of dispossession and brutal persecution. David DEVADAS (2019: 493) highlighted the significance of victimhood in Kashmir's self-image: 'the current discourses united it with a global identity of faith. The methods and slogans of the uprising consciously mirrored

the Palestinian *intifada*'. The rapper and artist, MC Kash, very popular among Kashmiri youth, sang the 'I protest' song, which quickly became the anthem of the ferocious protests and stone throwing against the Indian forces in 2010. In the second decade of 21st century, the uprising in Kashmir entered phases of violent escalation, mostly during the spring and summer. The protests were usually triggered by the brutality of new encounters with the forces and the rising number of civilian victims. The Kashmir Valley attracted international attention more than other regions of the former Princely State of Jammu and Kashmir (PSJ&K) due to the decline of democratic rights and as a result of diplomatic strategy of successive Pakistani military and civilian leaderships, that have largely managed to internationalise the problem of HR abuses in the Valley and divert attention from the situation in Pakistani-administered Jammu and Kashmir (PaJK).⁸

During the new wave of the insurgency in June–September 2010, more than 110 protesters were killed, including many teenagers, and at least 10,000 people were injured. The unrest erupted after the staged encounter at the Line of Control (LoC) when Indian armed forces claimed to have killed three 'Pakistani infiltrators', but as it later turned out, they were civilians from Baramulla. Despite the counter-insurgency operations, the militancy repeatedly resurfaced even when the authorities claimed it had been wiped out. For example, in 2011, the then Home Secretary G.K. Pillay declared that the HuM had been 'almost vanquished' and offered amnesty for the Valley-based militants trained in AJK.⁹

Another escalation which gave the Valley enhanced international coverage was the killing of 21-year-old Burhan Wani (born in 1994) by the Indian armed forces in an encounter on 7 July 2016. Wani was a popular divisional commander of the Valley-based HuM, who decided to abandon his education for militancy. One of the reasons for that was the fact that he, along with his brother, had been beaten in 2010 by police and paramilitary forces, which included Special Operations Group (SOG) and the Central Reserve Police Force (CRPF); his father claimed that this experience was extremely humiliating and made him determined to take arms.¹⁰ Partly due to his activity in the social media (a sign of new times in comparison to the fighters from previous generation when the militants were mostly hiding), where he published many videos and photographs (posing with guns, playing cricket with other militants), which went viral among young Kashmiris, he became a popular icon.¹¹ His social media images romanticised the life of a rebel,¹² making him a very dangerous phenomenon, attracting young recruits to the militant groups, often to the dismay of their parents. He earned a fame of being a courageous hero and—after his death—a martyr. Wani's killing triggered massive demonstrations in various districts of the Valley and boosted local recruitment to the militancy. Pervaiz Bukhari, an independent journalist from Srinagar, argued: 'now Indian troops find entire communities at the scenes of their sieges of rebel hideouts, hurling stones at soldiers to help militants escape'. He quoted some people expressing their

views on militancy. D.S. Hooda, a retired lieutenant general who served in Kashmir for more than two decades, pointed out at vicious circle of civilian killings, social media which ‘reinforce hardened views and positions’, and public anger as the real challenge for the government. A top police officer, part of the Indian counter-insurgency campaign for many years, said it was ‘infinitely more difficult’ for India now than at any time in the past as the people spontaneously came to rescue militants.¹³

In the subsequent years, the rebellion in the Valley continued, with the cycle of violent escalations. Enhanced militarisation in the aftermath of the bifurcation of the erstwhile state of J&K in 2019 employed harsh methods to crash any dissent; the COVID-19 pandemic further deteriorated the situation of Kashmiri civilians.¹⁴ The state-led iron-fisted policy and counter-insurgency operations in IaJK have not wiped out the militancy; replenishment continuously took place through local recruitment and infiltration from Pakistan. The prevalent atmosphere of occupation, accompanied by the institutionalised impunity of the security force motivated the militants, recruited also from educated *milieus*, to fight what they regarded as tyrannical methods of exerting power by the central government. The narrative in IaJK was dominated by the Valley situation, but the bifurcation of J&K largely changed this situation, especially with regard to Ladakh, which, with extensive support of the local population, became a separate union territory (UTL). In strategically located Gilgit-Baltistan and AJK, which constitute two chunks of PaJK, separately controlled¹⁵ by Islamabad/Rawalpindi, any dissent against political disenfranchisement and economic marginalisation is unchangeably considered anti-state and immediately curtailed by the ruling establishment (*vide infra*, §10).

7.3 India-Pakistan-Kashmir: Grim prospects

With ferocious belligerence, disdain for compromises, accompanied by costly arms race and incessant cultivation of historically inherited geopolitics, the chances for conflict settlement and peaceful relations between India and Pakistan have been so far thwarted. Consequently, Kashmir issue is likely to remain an escalation-prone flashpoint with dismal impact on the inhabitants of IaJK and PaJK and the regional security system.

The political trajectories in both states are worrisome and, in some aspects, similar and glaringly paradoxical. Indians, disillusioned with the Congress Party policy, voted for what they believed would bring change for better and they elected as their Prime Minister the far-right Hindu nationalist, Narendra Modi. His victory in 2014 was conceptualised on two pillars, ideological and economic: the Hindutva campaign was mixed with pledges to foster development.¹⁶ A self-confident leader, conquering political scene without affiliation to the corrupt Congress conglomerate was advertising himself as ‘a watchman’, the finest remedy for all India’s problems. In 2019, the yearning for ‘new India’, continued and was apparently shared by a significant portion of Indian citizens, which gave Narendra Modi another victory. During the

second term, the BJP-led administration enhanced the policy of curtailing dissent, pursued institutionalised, structured discrimination and disenfranchisement of minorities, particularly the Muslims, and upgraded the iron-fisted policy vis-à-vis IaJK, particularly, the Valley. It was symbolised by the abrogation of Article 370 of Indian Constitution and annulment of the erstwhile state's semi-autonomous status in 2019. India's general democratic downfall was internationally confirmed *inter alia* by Gothenburg-based V-Dem report, which downgraded India in 2021 from 'electoral democracy' to 'electoral autocracy' (thus equalling Pakistan's position).¹⁷

The Pakistanis also sought for change, so in 2018 (with the substantial support of the army) they awarded with premiership an ex-cricketer and playboy Imran Khan, whose striking personal transformation into a pious Muslim was politically motivated and meticulously arranged. Firstly as a leader of coalition government in Khyber Pakhtunkhwa (2013–2018) and thereafter as Prime Minister, he has appeased and reinforced ultraconservative agenda, for example by financing fundamentalist madrassa Darul Uloom Haqqania (Dār al-'Ulūm Haqqāniya), termed 'the University of Taliban', or by claiming that liberals are 'blood suckers' and 'scum'. [Ayesha SIDDIQA \(2018\)](#) appositely emphasised the PTI's role in enhancing a militaristic mindset among a portion of Pakistani youth who became violent and adamant proponents of the state-led ideology. Khan can be compared to other hyper-nationalist and ultra-conservative leadership, like Narendra Modi, Donald Trump, Benjamin Netanyahu, Recep Tayyip Erdoğan, Jarosław Kaczyński, to name a few populist conservative leaders, who cultivate aggressive nationalism while curbing democratic values and civil liberties. During the 2018 election campaign, the candidates and workers of other parties: the PPP, the MQM (Muttahida Qaumi Movement), the ANP (Awami National Party) and the JUI (Jamīyat Ulemā-e-Islām) complained of being intimidated and harassed. Mainstream media and journalists were pressured into toeing the military establishment's line: Talat Hussain of Geo TV, a renowned anchor person whose program on the PML-N rally was not allowed to be aired, was fired by the Geo. Asma Shirazi, the anchor person and Pakistan's first female war correspondent, internationally recognised for her bold and ethical journalism, was subjected to a malicious campaign over her interview with Nawaz Sharif. The circulation of Pakistan's most prestigious daily, *Dawn*, was significantly curtailed. When the PML-N and Nawaz Sharif lost elections, many experts indicated that it was in fact the army which was the ultimate winner.¹⁸ Following Khan's victory in general elections, the army-ISI conglomerate has bolstered its position as the sole supervisor of Pakistan's policy, including the domestic and international posture towards Kashmir. The promise of *naṣṣ Pākistān*, with hope for progress and development, is likely to come as a great disappointment, as Imran Khan is not the bowler who will quarterback the game in Pakistan, and if he tries to pursue independent, let alone pro-genuine dialogue with India policy, he will be deprived of his function, just like his predecessors.

Mutual belligerence and staunch approach vis-à-vis Kashmir persistently structure Indo-Pakistani interactions, with major crisis escalating since February 2019 when JeM attacked the Indian CPRF paramilitary forces in Pulwama, IaJK, killing 40 of them. India, again, accused Pakistan of sponsoring terrorism. After New Delhi scrapped, Article 370 of its Constitution on 5 August 2019, and then bifurcated J&K on 31 October 2019, Pakistan found suitable opportunity to pursue its long-term strategic objective of internationally portraying itself as the sole defender of Kashmiri Muslims' rights. Protracted antagonisms incessantly, over decades, have not only hampered regional cooperation and development, but also drawn major powers in India's and Pakistan's backyard, which had largely dismal effects for potential conflict resolution. In the upcoming future, China's more assertive encroachment into South Asia may increasingly shape the regional security environment, including the Kashmir issue. Beijing, controlling certain parts of the erstwhile PSJ&K, namely Shaksgam Valley and Aksai Chin and having its own territorial claims in Ladakh, supported Pakistan in its criticism of India's abolition of Article 370. Both China and Pakistan, having grim record of HR abuses, could divert attention from their own violations and point fingers at India. Furthermore, contrary to India's long-term stance to view Kashmir as the domestic issue, the bifurcation of IaJK further internationalised the imbroglio. Evolving geostrategic circumstances manifested *inter alia* by the Sino-Pakistani alliance and Sino-Indian recurring hostilities along the eastern Ladakh border, signify China's will to augment its regional push-for-power policies. Pakistan's expectations to portray China as supporter of its Kashmir strategy do not reflect the reality, just like it was in case of the United States: China is focused on materialising its own interests.

Will democratic transition to power in the United States and Joe Biden–Kamala Harris duo bring any significant, pro-HR shift in the Indo-Pakistani relations under American leadership? It seems rather unlikely: irrespective of who is in power, a fair amount of strategic continuity persists in American global policies. Due to its primary geostrategic significance, China factor will remain a vital determinant of Washington's security policy vis-à-vis India, with geopolitical Indo-Pacific construct intensively projected as a key pillar of American international strategy. In this regard, India is unchangeably viewed as lynchpin of a broad American security policy in Asia with its core objective: containing China's growing assertiveness. This, apart from India's staunch, internationally promoted emphasis on a non-interference directive, is another reason why Biden's administration is likely to abstain from openly critical stance towards India's policies in Kashmir. Washington's disapproval of authoritarianism and emphasis on normative values will be likely focused on China's policies vis-à-vis Xinjiang and Taiwan. Moreover, the shared democratic values have proven multiple times in history to be an acclaimed declarative framework, which loses its impulse once confronted with hard power rivalry and geostrategic manoeuvrings. Any pro-democratic shift in India is unlikely to be foreign

inspired—it must foremostly come from within. Regarding Pakistan, it is China which has to a large extent overtaken the United States in the role of Pakistan's patron state, buttressing the *milbus* (*vide infra* §9.2), via its collaboration with the ISI/army establishment, an advocate and expected beneficiary of the China-Pakistan Economic Corridor (CPEC, *vide infra* §10). Beijing, which has also no interest in reinforcing democratic principles and HR internationally, may adversely affect Pakistan's domestic dynamics, bolstering authoritarianism and adding to multiple other factors which hurdle pro-democratic transformations. Similarly, therefore, the change in Pakistan must come from within.

Facing multiple persistent and forthcoming challenges, India and Pakistan remain tangled in the rivalry rooted in belligerent nationalisms and manifested by mutual animosities that encumber bilateral relations and hamper the chances for workable solutions and beneficial collaboration. The prospects for domestic democratisation in both states, which should be regarded as a crucial condition for bilateral rapprochement and dialogue, to be pursued by democratic, civilian leaderships, are, unfortunately, rather grim in the foreseeable future.

Notes

1. KASURI (2016: 156).
2. HAMMER (2002: 26).
3. HUSSAIN (2007: 108).
4. NARANG (2009/10: 62).
5. The AGPL divides the Indian and Pakistani held areas and military out posts; it starts from the NJ9842 point, the northernmost demarcated on the LoC, runs along the Saltoro Mountains and ends in the north on the Indira Ridge. The military outposts are located at an altitude of around 5,000 meters where hostile temperatures drop to minus 50 degrees Celcius.
6. BATRA (2013: 86).
7. GOPAL–MAHSUD–FISHMAN (2013: 145).
8. More: BALCEROWICZ–KUSZEWSKA (2022a, Part 1).
9. Similar situation took place in early 2016, when security forces declared to have killed top militant commanders, from the HuM (Ashiq Hussain Bhat) and the LeT (Abu Hafiz). This was supposed to have wiped out the militancy, but the killing of Burhan Wani provided local replenishment to the anti-India rebellion.
10. DEVADAS (2019: 37, footnote 4).
11. DEVADAS (2019: 26; 495).
12. SHAH (2017: 38).
13. BUKHARI (2018).
14. On post-2019 situation in Kashmir, see: BALCEROWICZ–KUSZEWSKA (2022a).
15. This intentional separation of the AJK from GB orchestrated by Pakistani ruling establishment, weakened the Azad Kashmiri's position vis-à-vis the freedom movement in the Valley. SNEDDEN (2015: 208).
16. KAUL (2017: 527)
17. BALCEROWICZ–KUSZEWSKA (2022a, Part 1).
18. SHAMS (2018), FAIR (2018a), NASIR (2018), HAQQANI (2018a), SINGH (2018), SIDDIQA (2018).

Part II

The role of Jammu and Kashmir in Pakistan's domestic and international policies



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8 Conceptualising the centrality of Kashmir in Pakistan's narrative

Agnieszka Kuszewska

Referred to as a fragile, insecure, garrison, praetorian or even rogue/failed state, Pakistan¹ grapples with historically inherited security dilemma vis-à-vis India and regards Kashmir conflict as the centrepiece of hostility with its neighbour.² India is officially projected as the everlasting arch-enemy, responsible for belligerent, anti-Pakistani policies and human rights violations of Muslims in Indian-administered Jammu and Kashmir (IaJK), particularly in the Kashmir Valley (since 2019 part of the union territory of Jammu and Kashmir, UTJ&K).³ For Pakistan, the state formed on a religious foundation, Islamic legitimacy serves as the major state-building factor and official, state-led ideology. In this regard, IaJK with its Muslim majority is a key pillar of Pakistan's political narratives since its inception in 1947⁴; this centrality of the Kashmir issue remains unchanged irrespective of who holds direct power in the country: the civilian governments or the army.

Due to its geostrategic location, which should be regarded as crucial asset, Pakistan has earned the international appellation of a 'pivotal' state in regional security policy of the United States and its allies and a 'client' state with regional and domestic vulnerabilities conditioning military and economic backing from powerful patrons: first the United States, now primarily China. These alliances have played vital role in constructing and materialising Pakistan's objectives vis-à-vis India and the Kashmir issue.

Pakistan's exhortations to 'protect' Kashmiri Muslims and its territorial claims in IaJK are anchored in the discourse based on the two-nation theory, which served as its inception ideology and provided framework for *Kaśmīr banegā Pākistān* ('Kashmir will be [a part] of Pakistan') motto. Any meaningful deliberations on the state's strategic objectives are incomplete or even futile without a thorough analysis of its internal and external political dynamics and its strategy towards India with particular reference to the issue of Kashmir, which in [Ian TALBOT's](#) (1998: 115) words, is 'the most maleficent inheritance from the climacteric of the British departure from the subcontinent'.⁵ Pakistan's formative ideology is incessantly securitised and transformed into a relentless struggle to espouse glory of Islam and to defend borders, regarded both geographically and ideologically.

These fundamental objectives provide a justification for the army's primary role in politics, confrontational narratives versus India and for multidimensional sociopolitical endeavours, introduced domestically to shape people's mindsets and mobilise them around Islamic nationalism, with punitive measures against those who question the official stance vis-à-vis Kashmir.

The territories of the erstwhile Princely State of Jammu and Kashmir (PSJ&K), which are currently under the control of Pakistan (henceforth PaJK, Pakistani-administered Jammu and Kashmir),⁶ are no less crucial in Pakistan's policies and its state-building efforts. They can be subdivided into two units: Azad ('free' or 'independent' = the fact that people from this chunk of Kashmir were regarded as 'freed' by joining Pakistan speaks volumes about Pakistan's official rhetoric) Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB; formerly 'Northern Areas'; the name was changed on 9 September 2009 under the Gilgit-Baltistan Empowerment and Self-Governance Order, [GBESGO 2009](#)). Both chunks of PaJK remain in legal and institutional limbo⁷ and their status vis-à-vis the Pakistani state is yet to be determined. Notably, in November 2020, Pakistan announced the intention to grant provincial status to strategically located GB, a decision 'fiercely rejected' by India, which regards the entire PaJK as illegally occupied.

The unquestionably key position of Kashmir in Pakistan's official discourse constitutes a substantive research framework to explore the role of PaJK and IaJK in the state's domestic and external policy and to investigate the historical dynamics of Kashmir-inspired patterns of Pakistan's identity/nation-building strategies. This is the major purpose of this part of the book, which combines politological investigation with applying the empirical, descriptive, observational analysis and case study methods, regarded as useful methodological framework for this study. The narration is contextualised within multiple exogenous and endogenous dimensions which shape Pakistan's views on Kashmir and relations with India. There are four essential objectives of these deliberations. First, to elucidate the roots and dynamics of Pakistan's stance on Kashmir conflict with reference to the role Kashmir historically plays in Pakistan's nation-building efforts. Second, to explain the Indio-centric security dilemma with the way India's policy is regarded, interpreted and politically constructed for the purposes of Pakistan's domestic and external policy. Third, to investigate how Pakistani civil and military policymakers have used the unresolved status of the Indo-Pakistani conflict as a means for pursuing the two-nation theory-based policy, regional revisionism and, last but not least, personal ambitions of seizing power and privileges. Fourth, to scrutinise the selected patterns of structural, centre-led control and dispossession in AJK and GB and the way they contradict Pakistan's official international discourse.

Notes

1. The Islamic Republic of Pakistan is the fifth most populated country in the world, with approximately 226 million inhabitants (as of 2021, according to Worldometer).
2. BOSE (2003: 181), JENG (2005: 104), KUSZEWSKA (2020: 301–303).
3. BALCEROWICZ–KUSZEWSKA (2022a: [Part 1](#)).
4. RANA–SIAL (2012: 32).
5. TALBOT (1998: 115).
6. For a short time also Chitral (now in Pakistan’s Malakand Division, Khyber Pakhtunkhwa province) formally affiliated to PSJ&K via Kashmir’s suzerainty, but there is no legal basis to consider it presently as part of the debate on policies vis-à-vis Kashmir (BALCEROWICZ–KUSZEWSKA 2022b, §8).
7. WOLF (2020: 94).

9 Nation building and Kashmir

Agnieszka Kuszewska

9.1 The inception of an ideological state

In August 1947, Pakistan was carved out of the Muslim-majority north-western and north-eastern parts of British India, as a result of the political movement led by the All-India Muslim League (AIML¹) and the propitious geopolitical situation in the aftermath of the II World War. The partition of the Indian subcontinent along communal lines was projected as a guarantee to get appropriate share of power for Indian Muslims, who would otherwise be marginalised in undivided India, according to the proponents of Pakistan. Notwithstanding these assumptions, it was also a quest for power among influential political leaders, who hoped to materialise their political ambitions in a separate state. Islam was politicised and incorporated as an element of national ideology, identified as the basis for nationhood and a fundamental determinant in buttressing the support of some Indian Muslims for the partition.

In Urdu, which was opinionatedly declared by Muhammad Ali Jinnah, Pakistan's 'founding father', as the official and national language of the state,² the name Pakistan stands for the 'land of the pure', epitomising the exclusivist aspect of the Muslim-majority state³ and heralding future challenges related to domestic power discourses: who is 'pure' enough to be the 'the real' Pakistani? It is also an acronym embracing the Muslim-majority regions of India, which were supposed to be incorporated in the newly established state, and, at the same time, indicating its diverse ethno-nationalist makeup (yet, no letter represented East Bengal). The letter 'P' stood for Punjab, 'A' for the Afghan Province known also the North-West Frontier Province (NWFP), 'K' stood for Kashmir, 'S' for Sindh and the ending -tan for Balochistan.⁴ The letter 'K' in the name symbolises Kashmir which was regarded as an intrinsic part of Pakistan.

Pakistan's Kashmir policy is profoundly related to the ideological rationales which led to the state's inception. The major political concept of the new state was based on the two-nation theory, articulated by a conservative thinker, Sir Muhammad Iqbal (known as '*allāma*'⁵ Iqbal, acknowledged as the national poet of Pakistan), in Allahabad on 29 December 1930, during his

Presidential address at the AIML session.⁶ The theory rejected sociopolitical order based on secularism and called for unity among Muslim communities and adherence to Islamic principles; religion and national(ist) identity were moulded together and projected as key pillar of the statehood.⁷ It held Hindus and Muslims as separate nations and questioned the possibility of their coexisting peacefully within the boundaries of one sovereign, post-partition state. Jinnah, whose ancestors belonged to the Hindu trading caste of Lohanas,⁸ was a leader of the AIML since 1913. This Western-educated (like Iqbal) lawyer, cherished and sanctified in Pakistan as *Quaid-e-Azam*,⁹ or 'Great Leader', developed Iqbal's idea and propounded the theory, which became more pronounced in the late 1930s and officially confirmed on 23 March 1940 at the annual 27th session of the AIML, when the ground-breaking Lahore Resolution, demanding a separate homeland for Muslims, was adopted. In his often quoted statement, Jinnah accentuated that Islam and Hinduism are not religions in the strict sense, but different social orders, philosophies, literatures, based on conflicting ideas and conceptions: 'To yoke together two such nations under a single state, one as a numerical minority and the other as a majority, must lead to growing discontent, and final destruction of any fabric that may be so built up for the government of such a state'.¹⁰ In demands for a separate state, the Muslims, belonging to different Islamic sects with their own interpretations, were artificially projected as a monolithic group, which heralded future tensions within Pakistan, both among Muslims and vis-à-vis the minorities. Irrespective of their place of birth in British India, Muslims were portrayed as a separate nation with their own distinct identity and culture. The rich ethnic, cultural and linguistic diversities of various groups practising Islam were ignored, even though they had for centuries determined the distinct identities of these groups spread over different regions of the subcontinent.

The proponents of Pakistan projected the religious differences between Hindus and Muslims as irreconcilable and this assumption served as the explanation for the purported distinctiveness of Muslim 'nationhood'. For them, the very act of partition along communal lines under the leadership of Jinnah justified the recognition of the two-nation theory.¹¹ These diversities were overridden by unifying idea of one, allegedly homogenous religion that was intended to distinguish them from members of the same ethnic, cultural and religious groups but following Hinduism or other faiths. The AIML leaders propagated firm belief that the unity under the flag of Islam was the major ideological tool which could be adopted to pursue the agenda of creating a new state. This tactic turned out successful, yet the communalist construct clearly stood in sharp contrast with Nehruvian socialist secular nationalism and Gandhian inclusiveness, which viewed India as an indivisible blending of different religions, cultures and ethnicities (this approach was challenged by Hindutva-based nationalism).

Two-nation theory laid ground for Muslim separatism and India's bifurcation, which is a unique state-inception case study, materialised within

remarkably short period of time. Moreover, there is a fundamental contradiction in the perception of a state's identity as a constitutional, Westphalian-type nation-state, being a secular, democratic political entity, and a Muslim state, based on Islamic universalism, Allah's supremacy and Quranic teachings. These two concepts are difficult to reconcile¹²: the latter largely rejects the constitutional democracy, personal liberties and secularism but recognises the paramountcy of Sharia law and exceeds territorial or political boundaries by perceiving the oneness of the Muslim community (*ummah*) as a supranational entity.¹³ This perception was envisaged in the writings of Iqbal, who rather highlighted Islamic identity, the need to unify under the banner of Islam and rejected the Western democracy-based state model: 'Don't compare your nation with the nations of the West, distinctive is the nation of the Prophet of Islam; Their solidarity depends on territorial nationality; your solidarity rests on the strength of your religion. When faith slips away, where is the solidarity of the community? And when the community is no more, neither is the nation'.¹⁴ It can hardly be assumed that Jinnah, an alcohol-drinking Shī'a with the looks and manners of an English gentleman, married to Rattanbai Petit, a woman from wealthy Parsi community from Bombay,¹⁵ truly advocated the idea of Islamic theocracy. He briskly balanced between diverse approaches—on the one hand, guaranteeing that minorities would retain their rights to religious practice and worship¹⁶ as it had 'nothing to do with the business of the state', on the other—nurturing Muslim communalism and jingoism. Yet, as [Ishtiaq AHMED \(2020\)](#) appositely argues, Jinnah's vision of the state did not assume democratic secularism because the interconnection between Islam and the state was inseparable and Islam (and as a consequence Islamic nationalism) was a key pillar of Pakistan's existence. Therefore, it leads to a logic conclusion, that the future scenarios could include either a modern Muslim, or a fundamentalist Islamic state, or balance between the two, as current dynamics in Pakistan proves. Ahmed meticulously assesses the evolution of Jinnah's approach and portrays him as a man obsessed with his vision and political ambition, who felt overshadowed by Gandhi's and Nehru's charisma, which fuelled his gradual transition from an Indian nationalist, advocating Hindu-Muslim unity (at the times of Lucknow Pact, 1916) to a Muslim separatist.

By adjusting his narrative to the particular groups of listeners, without precisely formulating the political objectives of the future state, Jinnah succeeded in mobilising and pulling together some of diverse groups of Muslims and transformed the notion that Muslims and Hindus constitute two separate nations into a substantial political movement. He had the ambition to represent all Muslims of India, unified under the religious umbrella, yet due to divisions and varied interests between Muslims in different parts of India, the political programme 'could not be very precise'.¹⁷ The necessity to establish Pakistan seemed a primary goal; what would come thereafter with regard to the socio-political system and the level of its Islamisation was not clear: there was no long-term, coherent political strategy.

It remains disputable whether Jinnah genuinely believed that partition could lead to governments of India and Pakistan cooperating 'like Canada and the United States and other sovereign States both in North and South America'.¹⁸ However, he kept his Malabar Hill residence in Bombay, perhaps hoping he might travel there freely after partition.

Notably, the two-nation theory had more support in North India's United Provinces, where Muslims constituted a minority and were particularly apprehensive of Hindu domination, than in the Muslim-majority provinces that were later included to Pakistan. That could be the reason why Jinnah was intentionally ambiguous about the political features of Pakistan: he had to deal with 'different constituencies which had diverse priorities and concerns'.¹⁹ The argument that the demand for Pakistan had also a secular facet and was pursued *inter alia* by those Muslims 'who felt threatened, not religiously but economically, by the Hindu majority'²⁰, seems to reflect this diversity. Stephen COHEN (2004: 29–30) contends that Jinnah and other Muslim League leaders managed to garner support but, although they were westernised 'half converted preachers of democracy', they had no practical experience or knowledge of how to govern a democratic state. Consequently, the very lack of Jinnah's experience of how to rule any sovereign political entity, heralded challenges, irrespective of socio-political system to be implemented. Jinnah's purported charisma did not convince Lord Louis Mountbatten, the last Viceroy who oversaw the partition and first (since 15 August 1947 till 21 June 1948) Governor-General of India. In his weekly Personal Report to the British authorities, he wrote on 17 April 1947: 'I regard Jinnah as a psychopathic case; in fact, until I had met him I would not have thought it possible that a man with such a complete lack of administrative knowledge or sense of responsibility could achieve or hold down so powerful position'.²¹

Muhammad Ali Jinnah's rule as Pakistani Governor General (until his death on 11 September 1948), with his dominating position in all political decisions, presiding over the cabinet meetings (and not giving this task to the Prime Minister), uncompromising attitude vis-à-vis all who dared to question the official narrative in the name of imposing 'one nation spirit', illustrated the defiance of democratic norms in Pakistan right from the moment of its inception. In the speech delivered during a rally in Dacca (now Dhaka, the spelling was changed in 1982) on 21 March 1948, confirming Urdu as a national language (although he barely spoke it), in negligence of Bengali and other Pakistani provinces' separate cultural and linguistic identity, Jinnah omnipotently stressed: 'anyone who tries to mislead you is really the enemy of Pakistan'. Bengali was *lingua franca* of East Bengal; the imposition of Urdu was met with dismay and widely rejected. The fact that Calcutta-based newspapers supported Bengali language cause ignited accusations in West Pakistan of Dacca demands being 'Indian-inspired', already in 1948.²²

The animosities became apparent in other regions of Pakistan, for example the apprehensions of Sindhis of being marginalised by the newcomers (*vide infra*) were also neglected and Karachi was declared the state capital, to be

governed directly by federal authorities. After 1948, huge parts of irrigated land in Sindh were allotted to Punjabi elites, including the armed forces and their families, heralding a pattern of hegemonic taking over the state's valuable resources by the Deep State. Jinnah's short rule anticipated the era of centralised authority, weak civilian governments, disempowered local authorities and political culture based on censorship, with no space for pluralist, democratic debate. Jinnah himself, cherished, sanctified, was simultaneously propagandistically moulded by Pakistan's subsequent regimes, civil and military, to fit into their political agenda. It started right after his death, when a first-hand account 'With the Quaid-i-Azam During His Last Days' written by Jinnah's personal physician, Colonel Ilahi Bakhsh, was banned by the government. The 1978 republished version was subjected to intense censorship. The formative years of Pakistan also laid ground to the common political narrative where opponents/dissidents are labelled as 'traitors' or 'enemies of the state' and 'pro-India'. For example, Liaquat Ali Khan described Bengali politician Hussain Suhrawardy (a pre-partition supporter of Pakistan movement) as 'the mad dog let loose by India' to disrupt Pakistan. Jinnah's sister, Fatima, an activist, distinguished stateswoman, known in Pakistan as the 'Mother of the Nation', was accused of being on the US payroll by general Ayub Khan's regime in 1964, during the presidential campaign,²³ when she challenged his authoritarian state apparatus and undemocratic rule.

Markedly, the purported Islamic credentials were not convincing to some conservatives, who vehemently resisted the idea of Pakistan. The ulema (*ulamā*; learned Islamic scholars) from the Deobandī school of thought organisation, Jamiat Ulema-e-Hind (JUH, Organization of Indian Scholars²⁴), cooperated with the Indian National Congress (INC), advocated a united India and opposed the Muslim League's quest for an independent, separate Pakistan. Ajmal and Al-Jamayat, the two important periodicals of Jamiat, adhered to Indian nationalism, and strongly denounced the demand for Pakistan.²⁵ The pro-Congress ulema represented by JUH and the Majlis-e-Ahrar protested against the fact that Muslims with socialist or communist views were among the supporters of the idea of Pakistan. They accused Jinnah and Muslim League of being a secular travesty and denounced him claiming that he was not the *Quaid-e-Azam* (*Qā'id-e-Ā'zam*), or the great leader, but the *Kafir-e-Azam* (*Kāfir-e-Ā'zam*),²⁶ or the major leader of the infidels.²⁷ Markedly, many JUH members remained in India after partition and were actively engaged in political life.²⁸

Among the ulema who turned against Jinnah and rebutted the Lahore Resolution was *mawlānā*²⁹ Abul Muhammad Sajjad, a leading member of the JUH from Bihar. He astutely envisaged the conflicts between India and Pakistan and warned strongly that retributive violence against religious minorities would become a reality. He also repudiated Islamic credentials of the Muslim League leaders and blamed them for deceiving their supporters by using the idea of a separate state to buttress their leadership position and maintain the League's political influences. Sajjad's questioned the League's

claim that Pakistan would be an Islamic state where Islamic laws would regulate the lives of the faithful, arguing it was impossible to establish such state with substantial non-Muslim population. He also firmly denounced as un-Islamic the AIML's 'hostage population theory' with its idea of retributive violence against minorities in Pakistan in case of anti-Muslim attacks in India.³⁰

Apart from some Islamic scholars, there were regional nationalist leaders who expressed their apprehensions (for different reasons) and managed to foresee the grim future of Pakistan under the Islamic leadership. Khan Abdul Ghaffar Khan, popularly known as 'Bacha Khan', 'Badshah Khan' (King of Chiefs) or 'Frontier Gandhi', opposed joining Pakistan. This renowned Pashtun nationalist, freedom fighter, social activist and leader of the *Khudai Khidmatgar*³¹ (KK, Servants of God), non-violent movement, operating in the NWFP, rejected Pakistan on grounds of Pashtun nationalism and his loyalty to the Indian National Congress.³² As one of the admirers and closest associates of Mahatma Gandhi, he allied with Congress in the struggle of national civil disobedience campaign (1930–1931) against the British colonialism. Bacha Khan reportedly felt betrayed by Congress and bitterly complained to Gandhi in June 1946, once the party gave consent to the partition and referendum in the Frontier province (which KK boycotted³³): 'We Pakhtuns stood by you and had undergone great sacrifices for attaining freedom, but you have now deserted us and thrown us to the wolves'.³⁴ In June 1947, the KK called for an independent Pashtunistan. Markedly, Khan also opposed the participation of tribesmen from the NWFP in the Jammu and Kashmir (J&K) invasion in 1947. His attitude was vehemently at loggerheads with the political ideology of the leaders of Pakistan, who vilified him as an anti-state element, a traitor, Indian and Afghani agent. In late 1948, he was arrested for conspiring against Pakistan³⁵ (it is a sad paradox that he was also regularly incarcerated by the British colonisers during an independence struggle). The turbulent post-partition time paved the way to political careers in Pakistan for some opportunistic politicians, who would sway loyalties whenever needed. One of them was Abdul Qaiyum (sometimes spelled: Qayyum) Khan Kashmiri, a prominent politician and barrister from the NWFP (former name of Khyber Pakhtunkwa, renamed in 2010 under the Eighteenth Amendment to the Constitution of Pakistan) with Kashmiri origin. In 1945, he published a book titled *Gold and Guns on the Pathan Frontier*, criticising British colonialism, Jinnah and two-nation theory and praising Ghaffar Khan's movement.³⁶ He later changed the front and banned his own book. He turned against Khan and supported the 1947–1948 tribal invasion in Kashmir when he served as the Chief Minister of NWFP (1947–1953).³⁷ This political adjustment paid him well: he pursued his political career and became a federal Interior Minister of Pakistan (1972–1977).

The accession to Pakistan was rejected by some Baloch leaders, including the Khan of Kalat, who formally declared independence of his coastal state of Kalat (the Khanate of Kalat) on 15 August 1947. This decision was overwhelmingly endorsed by the local assembly. The Khan of Kalat emphasised

the benefits of Kalat's sovereignty: 'Today our country is independent, and I can express my views freely and openly'.³⁸ He tried to negotiate independence with the departing British administration, hoping (in vain) to settle the issue before their withdrawal from the subcontinent, assuming it would be too late once the successor government (of Pakistan) was established. In December 1947, Mir Ghaus Bakhsh Bizenjo, the prominent Baloch politician and nationalist leader (till today referred to as 'the Father of Balochistan' by Baloch nationalists), delivered a speech against the accession of Kalat to Pakistan: 'We have a distinct civilization. We have a separate culture like that of Iran and Afghanistan. We are Muslims but it is not necessary that by virtue of our being Muslims we should lose our freedom and merge with others. If the mere fact that we are Muslims requires us to join Pakistan, then Afghanistan and Iran, both Muslim countries, should also amalgamate with Pakistan... [...] They say we must join Pakistan for economic reasons. Yet we have minerals, we have petroleum, we have ports. The question is, what would Pakistan be without us. [...] Pakistan's unpleasant and loathsome desire that our national homeland, Balochistan, should merge with it, is impossible to concede'.³⁹ Bizenjo rejected the two-nation theory throughout his life. In 1984, he stated: 'At no time Muslims were, are or would be a nation ever. Islam is a multi-national institution. An Indian Muslim is a Muslim. So is Afghan, Arab and Indonesian Muslim a Muslim. But they are not one nation. Islam is not one nation, it is an *ummaḥ*, it is a multi-national institution'.⁴⁰

Another aspect, neglected by those who advocated Islam as a sufficient pre-partition nation-building force, is the fact that the population of the newly established Pakistan was ethnically, culturally, linguistically and religiously diverse. In British India the Muslims were already religiously and socially divided,⁴¹ so it should not come as a surprise that various differences manifested themselves among the inhabitants of the newly established Pakistan. They had various identities, historical, ethnic and cultural backgrounds and sometimes worldviews and they belonged to different sects of Islam or religious minorities. Additionally, the elites-oriented policies, accompanied by negligence of regional discourses, manifested by the imposition of centralised control and paternalistic rule from the Karachi-based, and then Punjab-based bureaucracy, evoked justified accusations that the new establishment restored the colonial manner of exercising power.

Pakistan quickly plunged into political turmoil. Following its inception in 1947, the state operated under the British 1935 Government of India Act, while the Constituent Assembly was formed to prepare a new constitution. It passed the Objectives Resolution (OR, 1949) on 12 March 1949 defining the principles for the future constitution and stipulating that 'the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed'. In his emotional address to the Constituent Assembly, during the discussion over the OR, Pakistan's first foreign minister, Sir Zafarullah Khan, referred to Quran and claimed that Islamic ideals went well with Pakistan's statehood. He tried to appease minority groups

apprehensive of combining the state with Islam, by referring to Prophet Muhammad's life as an example of tolerance; the amendments proposed by minorities were rejected. Paradoxically, Khan belonged to Aḥmadīya community, against which the riots soon erupted, leading to its gradual, state-led persecution (*vide infra*, §9.5). The OR remains a fundamental framework in defining and constructing Pakistan's legal history; it authorised politicised Islam, religious nationalism and majoritarian state with patterns of systemic and systematic disenfranchisement of minorities. Presently, it is an operative part of the Constitution of Pakistan under Article 2A (CIRP 1973).

The unquestionable state-constructing uniqueness of Pakistan is related to the fact that it was established without undergoing the internationally recognised process of acquiring a sovereign state by an already established, identity-conscious nation. In the case of Pakistan, a geopolitical and ideological construct which appeared on South Asian map as a result of short-term, yet successful, political campaign, this historical evolution was remarkably reversed: on 14 August 1947, when it became an independent state, its citizens did not constitute a nation⁴² and even decades after its inception they remained 'a nation in the making'.⁴³ The nationhood claims by the Pakistan movement in the pre-partition era can be described as a unique example of 'the nationalist movement without a clearly defined nation'.⁴⁴ Islam was the only connection between Bengalis and Pakistanis from the West, who had different historical experiences, cultural backgrounds and language. Importantly, at the time of inception, Jinnah was given the powerful position of Governor General and Liaquat Ali Khan, his Secretary General, became the first Prime Minister. Even though Bengalis constituted 56% of the then Pakistani population, they were not given the post of Prime Minister (Hussain Suhrawardy, Bengali politician who largely contributed to the Muslim League victory in Bengal and supported Pakistan movement could be an appropriate candidate⁴⁵). Western Pakistan was inhabited by Balochis, Sindhis, Punjabis and Pashtuns, but its ruling elite consisted mostly of Punjabis, Pashtuns and muhajirs (muhājir) (Muslim immigrants from India and their descendants). The significant influx of migrants from India who took bureaucratic positions, sparked conflicts with the long-term inhabitants, particularly in Sindh province and Karachi, and added another element to the identity question: who is a 'real Pakistani'? Notably, Jinnah, in his message to the muhajirs during the riots in January 1948, asked them to show restraint and warned them 'not to abuse the hospitality they have been extended'⁴⁶ in Pakistan, as if they were just guests, not the new residents of the 'homeland for Muslims'. Nonetheless, it was the Urdu-speaking muhajirs and the Punjabi elites (including those related to the armed forces), which secured their dominant position in Pakistan. Whereas the establishment tried to make religion the major source of unity, provincial identity and diverse ethnic affiliations remained a crucial binding force among Pakistanis, even more important than religious ones. Precisely 40 years after the inception of Pakistan, Khan

Abdul Wali Khan, a Pashtun nationalist, and son of the prominent leader Abdul Ghaffar Khan, asked about his identity, replied stylishly: 'I am 4000-year old Pakhtun, 1400-year old Muslim and a forty-year old Pakistani'.⁴⁷

Political turmoil, exacerbated by the rivalry between the muhajirs and the native inhabitants of the territories constituting Pakistan, and between religious radicals and moderates was one among the major obstacles for establishing a stable government and adopting a constitution. Self-serving political elites, which included feudal landlords (in West Pakistan), were unable to quell the violence and remained in conflict with each other. The overall worsening political situation had a destructive impact on building democratic institutions and governance in Pakistan. The Muslim League did not have a political base strong enough to successfully take the burden of its pre-partition leadership. Hasan Askari Rizvi (2000: 4) argued: 'the League, which served as the vanguard of the freedom struggle, utterly failed to transform itself from a nationalist movement into a national party which could serve as an effective political machine for aggregating diverse interests and identities into a plural and participatory national framework'.

Geographical construction of Pakistan, divided into two 'wings', separated by 1500 km—West Pakistan with the centre of political power, and East Pakistan (East Bengal), became a major test for two-nation theory which failed to perform its role as a sufficient binding force, an ideological paradigm, capable to uphold the state's territorial integrity. Culturally, historically, linguistically and ethnically diverse regions were stitched into one political entity, which disintegrated in 1971, mainly due to West Pakistan's exploitative policies vis-à-vis the eastern wing (*vide supra*, §5.1).

9.2 The army has the state

In nascent Pakistan, basic elements of statehood (defined territory, permanent population and government) were unsettled due to unresolved conflicts, migration and the lack of stable institutions. Political and economic instability and gamesmanship prevented the establishment of a legitimate, operative government able to deal with mounting problems. The encroachment of the military on political affairs and its gradual emergence as key economic actor, exercising enhanced control over the state's resources, substantially undermined the chances for democratic consolidation. Praetorianisation and kha-hi-mullah alliance in Pakistan became its intrinsic features leading to creation of a hybrid system which combines competitive, yet fragile, multi-party system (key parties ruled by wealthy and mighty families) and hegemonic role of the unelected apparatus. Global dynamics of the 1950s with Pakistan's strategic location, enabled its inclusion in the US global security strategy (*vide infra*, §11.5; HAQQANI 2013: 2), with direct links between the military establishments of both states that further facilitated the generals' dominance in defining foreign policy objectives, including those Kashmir-related. The first martial law was imposed in 1958 by Pakistan's first President Iskander

Mirza, who had effectively interfered in the constitutional process, dismissed four prime ministers and escalated the political turmoil.⁴⁸ Notably, he was a retired army officer and a classmate of General Ayub Khan, the first Pakistani military dictator, who later dismissed him.

Over the decades, the army, focused on the main goal of neutralising India's power, exacerbated its role in shaping Pakistan's foreign and domestic policy. The army-ISI conglomerate secures two-nation theory as Pakistan's identity, propagandistically acting as self-proclaimed guardian of the nation against the India threat and an advocate of Kashmiri Muslim rights in IaJK. The protracted conflict with a powerful neighbour provides an excuse for the army's dominating position and excessive military spending at the cost of vital socio-economic needs.⁴⁹ It can be assumed that as long as the army plays the first fiddle in Pakistan, the chances for genuine reconciliation with India are largely limited, unless some additional strategic or economic circumstances occur.

Primarily since the 1970s and the fall of Zulfikar Ali Bhutto (executed by the regime of General Zia ul-Haq in April 1979), the generals' political clout has risen substantially. The paucity of democratic culture was bolstered by the fact that the civilian leaders of most important Pakistani political parties were given power with the military support—no major political party in the history of Pakistan was allowed to develop and act independently. Meanwhile, the army used its political power to achieve the 'state within state' position, and regularly mocked politicians' incompetence and corruption. Consequently, it has become Pakistan's persistent phenomenon that leading civilian politicians, holding power or being deprived of it by the military establishment, are unable to renounce the revisionism in Indian-administered Jammu and Kashmir (IaJK) or introduce any effective actions against the *jihād*ist and sectarian groups. Stephen COHEN (1985: 105) wrote: 'there are armies that guard their nation's border, there are armies concerned with protecting their own position in society, and there are armies which defend a cause or an idea. The Pakistan army does all three'. According to Global Firepower, as of early 2021 Pakistani overall military strength is ranked 10th of 140 countries enumerated in the Global Firepower (GFP) annual defense review. Pakistan has 654,000 active personnel (6th in the world), 550,000 reserve forces and 500,000 paramilitary forces. Maintenance of such forces is a serious budgetary burden for Pakistan with its approximate 226 million population.⁵⁰

Moreover, domestic dynamics indicates the army's relentless involvement not only in political engineering, but also its notorious engagement in the state's resource management. Defending the army's vast interests and privileges became core element of what Ayesha SIDDIQA (2017: 7–8, 67) describes in her cutting-edge analysis of the army's position in Pakistan as predatory activity, which she dubbed *milbus* (military and business)—the protracted and unlimited engagement of the military in politics and its presence in all dominant sectors of Pakistan's economy,⁵¹ illustrated for example by such

business conglomerates as the Fauji Foundation (exists since 1954). They provide profits from managing the financial services, power generation, gas exploration, farming, running hotels, airlines, banks or real estate agencies; the military is directly engaged in service and manufacturing industry, and the agriculture. Siddiqi rightfully highlights the correlations between the army's political power and its limitless desire to control resources: 'military's penetration of the national economy, which is directly proportional to the organization's political influence. (...). The power of the defence establishment intensifies with the organization's financial autonomy, and especially its capacity to exploit national resources'.

The milbus, legally and institutionally developed throughout the decades, was structurally bolstered by Pakistan Tehreek-e-Insaf (PTI),⁵² which formed the government in coalition with five other parties in 2018. Prime Minister Imran Khan, former captain of the national cricket team, which defeated England in the World Cup final in 1992 and ex-playboy, now posing as pious Muslim,⁵³ often acted as the army's political agent, who won the elections with the establishment's support, rather than an independent civilian authority. In 2019, the Chief of Army Staff (COAS) General Qamar Javed Bajwa's three-year tenure was extended by army-conducive Khan for another three years, which evoked protests among Pakistani HR activists, civil society, and opposition. The Supreme Court temporarily suspended the extension, risking confrontation with the army, but in January 2020, the National Assembly of Pakistan legalised General Bajwa's extension. The institutional encroachment is another pillar of the army's domestic empire. The key positions, which should be restricted to civilian professionals, are given to the army: the 2019-established China-Pakistan Economic Corridor Authority (CPECA, officially comes under the Ministry of Planning, Development and Special Initiatives) was chaired by a retired Lt General Asim Saleem Bajwa. Another retired Lt General, Bilal Akbar, was appointed as the ambassador to Saudi Arabia in January 2021, which confirmed the practice of controlling diplomatic relations with strategically important states by the generals. The COAS is directly engaged in the decision-making process, for example by his membership in the National Development Council. Notably, the defence policy was partially shifted from the ministries to the National Security Division, a relatively new power centre which includes top military leadership. If such army's negligence of the democratic process and overwhelming grip on power at the cost of civilian authorities prevails, Pakistan may slide into authoritarianism.⁵⁴ By projecting its own interests as equivalent to the interests of the state, Pakistan's military aims to suppress even more any public criticism of its activities, providing poor justification that such limitations on freedom of speech should be introduced 'in the name of national security'. Imposition of censorship is tantamount to a substantial violation of the citizens' democratic right to criticise the authorities, yet the PTI government complied with these demands, confirming its dependence on the

Deep State. It proposed the Criminal Law Amendment Bill, 2020, aimed to amend the Pakistan Penal Code (PPC) by adding Section 500-A. It will make ‘ridiculing’ or ‘defaming’ the army punishable crime (imprisonment up to two years or a high fine).⁵⁵ At the same time, the military establishment is empowered to perpetrate legalised and extralegal use of force with impunity and practically no accountability in restive areas, including Pakistani-administered Jammu and Kashmir (PaJK) or Balochistan, and against those who are projected as ‘enemies of the state’.⁵⁶

9.3 Pakistan’s stance on Kashmir—Key components

Pakistan’s official narratives, incessantly embedded in the two-nation theory, moulded its position on Kashmir that is anchored in enduring territorial revisionism. The state-promoted stance on Kashmir is unalterably based on key 12 components, which epitomise the India-centric traits of Pakistan’s geostrategic objectives:

- 1 The incorporation of Kashmir to India was forced and illegal *ab initio*, and Maharaja Hari Singh had no authority to sign the Instrument of Accession of the State of Jammu & Kashmir (IoAJ&K) on 26 October 1947. Therefore, contrary to Indian claims, IaJK is not an integral part of India, and, consequently, the dynamics in the Valley and other pieces of IaJK is not India’s internal matter.
- 2 India and Pakistan share equal position in the conflict and are entitled to the same rights and obligations towards Kashmir (obviously, this includes only Pakistan’s rights vis-à-vis IaJK, not India’s vis-à-vis PaJK).
- 3 Kashmir is the main source of Indo-Pakistani tensions. All other issues may be worked out once the Kashmir conflict is successfully resolved.
- 4 Unlike India, Pakistan identifies Kashmir as a territorial conflict.
- 5 Disputed territories within the former Princely State of Jammu and Kashmir (PSJ&K) are on the Indian side. PaJK’s state and political affiliation is not subjected to discussion.
- 6 The future of the state should be determined by a plebiscite held in both parts of Kashmir. Having refused to reconsider the possibility of holding a plebiscite in J&K, India has showed disregard to the United Nations (UN) and the United Nations Commission for India and Pakistan (UNCIP) resolutions.
- 7 There are strong sociocultural and religious ties between Pakistan and Muslim majority in the Valley of Kashmir.
- 8 Pakistan is entitled to provide Kashmiris in IaJK moral support and act internationally as a sole proponent of their right for self-determination. Materialising this right is a precondition of conflict resolution.
- 9 India and its armed forces commit massive, state-authorised human rights violations in IaJK. The legal impunity of perpetrators encourages

further repressions against multi-dimensionally persecuted minority (Muslims). In PaJK, the rights are not restricted, moreover, in Pakistan minorities enjoy more freedom than in India.

- 10 India is solely responsible for thwarting the peace process and for cease-fire violations along the LoC.
- 11 Indian government's unilateral bifurcation of IaJK and annulment of its semi-autonomous status in 2019 was unconstitutional and, therefore, illegal. It resulted in massive human rights violations which call for international attention and condemnation.
- 12 Any secessionist ambitions in PaJK are anti-state and have to be unambiguously countered by the state apparatus; there is no independence option for Kashmir (notably, it is a stance shared by India with regard to Kashmir under its administration).

9.4 Persistent quest for Kashmir

Throughout more than seven decades of Pakistan's existence, the quest for Kashmir remained a central pretext of its key decision makers for pursuing regional strategy: the nation-building process in Pakistan will not be completed as long as Muslim majority Kashmir remains under India's administration. This supposition has strong symbolic connotation and it was adopted as inherent element of Pakistan's officially promoted identity, a significant point of reference in the education system and a benchmark for the level of patriotism of successive generations of Pakistanis. It is unstintingly repeated that for Pakistan, Kashmir is an inalienable part, an 'unfinished business of partition'⁵⁷ and, as Kalim Bahadur puts it, 'not only a territorial dispute, it is a reassertion of its ideology, the justification of its existence and a defence of its identity as against secular India'. The author, a retired professor from the New Delhi-based prominent Jawaharlal Nehru University, by paraphrasing Jean Jacques Voltaire's words on God,⁵⁸ emphasises the Indo-centric orientation and regional goals of Pakistan's foreign policy: 'there is some truth in the claims that Pakistan would have invented Kashmir if it was already not there'.⁵⁹ As Kashmir conflict is already there, this hypothesis can't be verified, but it illustrates how Pakistani policy is viewed by Indian elites.

The intentional politisation of communal differences by Pakistani leadership turned out to be a very effective political means which unprecedentedly aggravated the rivalry and cast a shadow over the whole array of Indo-Pakistani relations, particularly the Kashmir conflict. Most of the contemporary problems of Pakistan—ideologisation of education, proxy regional strategies, the overall growing impact of radical Islamisation on every sphere of political and social life and the stubbornly reorientation-resistant stance on Kashmir—come from the fact that the state was formed as 'the land of the pure' on the basis of majoritarian religious nationalism. Consequently, despite the fact that logic of the two-nation theory was repeatedly devalued, it remains inextricably linked to Pakistan's policy, nurtured by all ruling establishments.⁶⁰

The major argument for merging Kashmir with Pakistan at the time of partition was religious affiliation of the Kashmiris: as per the British Census of India, 1941, the PSJ&K was inhabited by a 77% Muslim majority and a 20% Hindu minority.⁶¹ Pakistan's stance vis-à-vis IaJK is incessantly constructed upon religious affinities and the predicaments of Kashmiri Muslims in the Valley; these territorial claims disguised as genuine care for peoples' rights, may serve as distinctive example of irredentism-oriented agenda, in which Kashmir is strongly embedded in Pakistan's Islamic nationalism. The popular patriotic slogan *Pakistan zindābād* (long live Pakistan) was supplemented by the General Zia ul-Haq's military regime that popularised the ideologically grounded catchphrase: *Pākistān kā matlab kyā? Lā ilāha 'ilāllāh* ('What is the meaning of Pakistan? There is no God but God'). It shows how deeply politicised the Islamic agenda became, and how it influenced Pakistan's national identity.⁶² Pakistan's enduring territorial claims vis-à-vis IaJK and emphasis on the alleged willingness of Kashmiri Muslims to liberate themselves from Indian administration and join Pakistan unremittingly serve as the justification and driving force for core aspects of foreign and internal policy.

The research completed by Christine Fair shows that 58% of Punjabis in Pakistan assume that Kashmiris living under India's rule would prefer to join Pakistan.⁶³ The scholar, known for her critical assessments of Pakistani army's incursions into polity, highlights persistent revisionism as an inseparable part of its ideology. She argues that in all probability even a genuine democratic transition of power in Pakistan may be not insufficient condition to move away from the ideology.⁶⁴ This supposition may be questioned, provided that the transition would be indeed 'genuine', that is, based on competent and competitive civilian leadership, just power-sharing system and inclusiveness. Meanwhile, Pakistan's revisionism has intensely encroached into political narrative: the defence of the ideology of Pakistan regarded as tantamount to the interest of the state, an obligatory duty of every citizen; it requires absolute unity, quashes political pluralism and independent debate on current and future policies of Pakistan. As a result of the state-supported Sunnī majoritarian nationalism, that served as a political tool aimed to construct a unified society, democratic freedoms and the rights of minorities were gradually curbed, and sectarian conflict in Pakistan escalated. At the same time, the demands for larger defence expenditures were raised by the Deep State in order to achieve an unattainable goal: military parity with India.

Rising political appetites of the army⁶⁵ led to the first military takeover by general Ayub Khan in 1958, which was accompanied by strategic alliance with the United States and domestic tensions: permanent political crisis and marginalisation of progressive civilian policymakers. The process of structural dismantling of democratic institutions and the rule of law was inexorably initiated. Pakistan was subjected to a transition from a promised homeland for Indian Muslims, pledging to uphold the minorities' rights, to a 'fortress' of Islam, oriented primarily at protection against predatory India.⁶⁶

While pursuing territorial claims vis-à-vis IaJK, within the framework of the nation-building agenda, the civilian and military leaders assumed that the local ethnic identities within Pakistan and Pakistani nationalism are mutually incompatible. They demanded that the ethnic groups living in independent Pakistan should subordinate all aspects of their identities to the one vision of nationalism rooted in Islam.⁶⁷ The concentration of power in West Pakistan and marginalisation of East Bengal was ingloriously crowned by One Unit Scheme policy (1954–1970), which merged the four western provinces into one political unit. The goal was to counterbalance political (and demographic) domination of East Bengal. Instead of constructing national narratives around political empowerment and respect to regional sociocultural and linguistic diversities, the leadership escalated secessionist inclinations, regional ethnonationalisms, and the resistance of local populations against violations of basic human rights in marginalised regions. Consequently, the ruling elites-oriented, enforced ‘Pakistanisation’ undermined the nation building process. Moreover, the structural disenfranchisement of a significant portion of Pakistani society, did not seem to contradict the establishment’s self-proclaimed image as protector of Kashmiri Muslims’ rights in India. The centralised control accelerated opposition among Bengali population and resulted in the pro-independence movement, followed by brutal suppressive measures taken by the Pakistani army, and finally, the secession and inception of Bangladesh in 1971. Notably, the army’s rough campaign against unarmed civilians was recounted in a breakthrough article, titled *Genocide*, authored by its witness, Karachi-born reporter, Anthony MASCARENHAS (1971), published by *Sunday Times* on 13 June 1971. It largely contributed to unveil the truth and turned international community against Pakistani narrative; the author (who earlier moved to the United Kingdom) was dubbed the enemy of state. The civil war in Bengal remains a fragile issue in Pakistan as it officially denies its armed forces engagement in the atrocities committed against Bengali population. Pakistan’s territorial disintegration and a war against India, which broke out that year, substantially exacerbated Islamabad/Rawalpindi’s anti-India security narratives in the forthcoming decades.

After 1971, a grim scenario of further balkanisation (fragmentation) became a key element of Pakistan’s security dilemma with distinctive impact on its internal and external policies. Yet, instead of learning from the East Bengal experience and introducing a more inclusive, power-sharing and equality-based internal strategy vis-à-vis disenfranchised regions, minorities and local communities, the establishment chose to marginalise religious minorities, struggle against provincial empowerment and persistently accentuated the IaJK as a major element of the ‘Muslim nation’ concept. Pakistan’s policy towards India and Kashmir coalesced around the idea of a revisionist strategy, that was structurally and ideologically bolstered by the subsequent military and civilian governments since the 1970s. The regional security dynamics of that time created favourable conditions for the rise of radicalism in Pakistan.

9.5 Sociopolitical effects of radicalisation

In the aftermath of Bangladesh inception, Pakistani policymakers reinforced their determination to maintain and justify the ideological relevance of the two-nation theory and to combine it with security dilemma vis-à-vis India. The major decision makers of that time, Prime Minister Zulfikar Ali Bhutto and then General Mohammad Zia ul-Haq used Islam to consolidate their power: as part of populist ideologies with declared modernist approach (the former) or socio-political promotion of extremist Sunnī Islam (the latter). Paradoxically, it was the civilian leader, Zulfikar Ali Bhutto, who opened the gate to considerable radicalisation of some portions of Pakistani society in subsequent decades. In April 1977, shortly before he lost power in Zia ul-Haq military coup, he announced the enforcement of Sharia law ‘in six months’ and declared immediate ban on alcohol and nightclubs.⁶⁸ The 1974, the constitutional amendment legalised state-induced marginalisation of religious minorities and created favourable conditions for escalation of sectarian hostilities by declaring the Aḥmadīya sect to be non-Muslim. In this regard, Bhutto turned out to be an opportunistic and autocratic leader, which unequivocally tarnished his cherished image as a secular and democratic politician.⁶⁹ The amendment met the long-time quests spearheaded by radical Sunnī mullahs in the early 1950s, accusing the Aḥmadīs of being *kuffār* (infidels) who do not respect Prophet Mohammad. Maulana Abul A’la Al-Maududi,⁷⁰ the founder of the most influential Islamic organisation in India, Jamaat-e-Islami (JeI), and in the independent Pakistan vociferous proponent of an Islamic state, successfully initiated the anti-Aḥmadī hate campaign and riots, which broke out in February 1953 in various cities in Punjab (a state of emergency was introduced in Lahore between 6 March and 14 May), foreshadowing the horrifying patterns of violence against minorities in Pakistan.⁷¹ He was one of the fundamentalist clerics who had cooperated with the Congress in the pre-partition era and opposed creation of Pakistan, yet, following the state’s inception, initiated ruthless campaigns aimed at ‘purification’ of Islam, imposition of sharia supremacy and other radical views on all Pakistanis. Instead of dealing with religious fanatics who instigated communal hatred, the state authorities embarked upon a strategy of appeasement.⁷² This encouraged the radicals to continue polarising campaigns and hate speech. Over the next decades, Aḥmadīs and other minorities became the victims of such policy. In 1984, during the Zia’s martial law regime,⁷³ the repressive policies were legalised under the PPC. In Chapter XV (‘On Offences Relating to Religion’), Section 298-B and 298-C, it gave the right to persecute Aḥmadīs if they ‘behave like Muslims’⁷⁴ and punish them with imprisonment. According to the Section 298-C: ‘Any person of the Qadiani group or the Lahori group (who call themselves ‘Aḥmadis’ or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by

visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine'. The effect of these legal provisions added to the PPC was particularly damaging to the religious freedom of Aḥmadīs, which was drastically curtailed.⁷⁵ Violence against them rose exponentially and became more systematic and systemic; the laws paved the way to legalising the culture of impunity for open attacks against this and other religious minorities under suspicion of any 'anti-Islamic' behaviour (dubbed also as 'anti-state').

The foundations for anti-democratic leanings were established at the time of Pakistan's inception and subsequently bolstered, yet it cannot be denied that the harshest campaigns of authoritarianism and Islamisation, fundamentally transforming Pakistan, were introduced by General Zia ul-Haq's military regime (1977–1988).⁷⁶ His policy had critical, and largely irreversible, implications for the whole political, legal, economic and social system in Pakistan, escalating its hard line policy towards India and the Kashmir issue. The self-professed 'soldier of Islam' aimed to implement Sharia legislation and provided the Islamist lobby with unprecedented leverage and influence on domestic political affairs. The structural, state-authorised religious radicalisation had never before encumbered Pakistan to such an extent and it may be assumed that this overwhelmingly violent transformation was incompatible with Jinnah's vision. Sharia courts were set up to decide if any law was repugnant to the injunctions of Islam,⁷⁷ religious taxes were collected by the government, the civil service was Islamised and the media and mosques acted as staunch promoters of Islamisation, chastising all those who opposed the policy of radicalisation. The school curricula and syllabuses were 'purified', and those books deemed un-Islamic were removed from the libraries.⁷⁸ Substantial efforts were focused on the army, where the Islamic teachings became a crucial part of education in the Pakistan Military Academy. According to a senior officer, the term 'ideology of Pakistan' became synonymous with the 'glory of Islam', and some officers sounded more like high priests than soldiers.⁷⁹ They had to read books on the Quranic concept of war and obligatorily attend Friday prayers to prove that they were religious enough to be promoted; their piety, not professionalism and military abilities, decisively affected their career prospects. Under the patronage of the army and the Inter-Services Intelligence (ISI), religious groups established their own militias led by radical religious leaders. After the Iranian revolution, the Shī'a issue became more politicised with Sunnī Deobandī Sipāh-e-Sahābā Pākistān ('Guardians of the Prophet's Companions', established in 1985) perpetrating violent attacks against Shī'a Muslims.⁸⁰ Pakistani army, once a secular entity that inherited British traditions, became more involved in sectarian tensions and radicalised its India-centred strategy. This directly bolstered the ideological motivations of Pakistan's policies, with strategic goals vis-à-vis India (Kashmir) and in Afghanistan (pursuing the 'strategic depth' doctrine to control Afghanistan's domestic political dynamics in case

of tensions with India and to prevent the escalation of Pashtun separatism across the Durand Line).

During the Zia's era, the education system in Pakistan gained a strong institutional base in *madāris* (plural of *madrasa*), or Islamic seminaries/schools. Stephen COHEN (2004: 184) highlights that at the time of partition there were about 250 religious schools in Pakistan and by 1987, that number rose to around 3000.⁸¹ Ian TALBOT (2012: 131) writes that by 1983–1984 alone, over 12,000 were opened. According to Mohammad A. QADEER (2011: 214), it is not possible to give an accurate number of Islamic seminaries, but for the late 1990s, estimates range from around 4000 to 20,000 and newly built mosques or *madāris* could be seen every 10 or 20 miles while travelling along any major road. Their growth was encouraged to an unprecedented level and most of them were financed from *zakāt* funds (religious tax, a form of alms giving for social needs) centralised under the Ministry of Finance by dictatorial Zia's regime, which introduced the compulsory deduction of *zakāt* from bank-account holders. Those seminaries which were funded by Saudi Arabia propagated an aggressive mixture of Wahhābīsm and Deobandīsm, encouraging extremism in Afghanistan and later in IaJK. Many students of these seminaries came from underprivileged, poor families (including Pashtun, Afghan refugees) and it was the only option for them to get a free education, which illustrates the systemic predicaments of Pakistani education system. 'A class of religious lumpen proletariat'⁸² was created: the graduates who received mostly religious teachings, could pursue their career only within the religious establishment or extremist groups. Later, it paved the way for the formation of the Taliban movement with its transnational *jihādīst* agenda. The official sources available from the Ministry of Education indicate that there are currently more than 12,000 *madāris* (around 5% of all schools in Pakistan),⁸³ but including those unregistered, their number is much higher: approximately 20,000.⁸⁴

In order to boost employment opportunities for graduates of Islamic seminaries, their degrees were equated in the early 1980s to the mainstream institutions without any requirements to comply with the standards of curricular frameworks.⁸⁵ Till now, some of *madāris* still openly preach sectarian hatred, provide military training and produce *jihādīst* fighters. Their curricula are often not controlled by the state. Jamia Dar al-Ulum Haqqania (Jāmi'a Dār al-'Ulūm Haqqāniya), which propagates Deobandī school of Sunnī Islam, situated in Akora Khattak near Peshawar (Khyber Pakhtunkhwa [KPK] province), is one of the seminaries with many of the foremost Afghan Taliban leaders as graduates (including Jalaluddin Haqqani and Mullah Akhtar Mansoor). The school, run by the JUI-S (breakaway faction of JUI, Jamīyat Ulemā-e-Islām) chief Maulana Sami ul-Haq, known as 'The Taliban Godfather', is regarded as the cradle of the Afghan *jihādīst* movement, a 'university of Taliban', which also recruited Pakistani militants to fight in Afghanistan and in Kashmir. Notably, the then Imran Khan's PTI provincial government in KPK allocated significant grants from its budget

for this *madrasa* in the years 2016–2018 under the insubstantial pretext that the money may help bring the seminar into the educational mainstream.⁸⁶ It was a continuation of the policies carried out by the Pakistani leadership, aimed at appeasing the extremists; Khan earned his nickname ‘Taliban Khan’ for his conciliatory approach vis-à-vis radicals. When Sami ul-Haq was assassinated on 2 November 2018 at his residence in Rawalpindi, Prime Minister Imran Khan stated that the country had suffered ‘a great loss’.

The radical Islamist groups and parties benefited substantially in the 1980s, from Zia ul-Haq’s state-led Islamisation policy. It had a strong impact on the significant part of Pakistani society and escalated the anti-Indian insurgency in Kashmir. In the post-Zia era, the civilian governments were largely unable to curb the powers of the radical Deobandī clergy. Instead, in 1993, Zulfikar’s daughter, Prime Minister Benazir Bhutto, further increased political clout of the conservatives. While trying to build a majority coalition, she turned to the radical Deobandi Sunnī party, Jamīyat Ulemā-e-Islām (JUI). Its leader, a pro-Taliban politician Fazal-ur-Rehman, became the Chairman of the National Committee on Foreign Relations. Having close contacts with Saudi Arabia and other Persian Gulf Arab states, he could successfully arrange financial support for the Taliban movement. He enabled contacts between the Taliban and Arab princes, for instance, by organising hunting trips to Kandahar for the latter. The old training camps along the Durand Line (the *de facto* border between Pakistan and Afghanistan, a post-colonial legacy unrecognised by Kabul) were used to train a new generation of *jihādists*, some of whom were later sent to Kashmir.⁸⁷ After the Soviet troops withdrew from Afghanistan in 1989, the violent non-state actors under the permanent patronage of the ISI focused their attention to the campaign in Indian Kashmir. ‘The Kashmir wing’ of the ISI was established to monitor their activities and to Islamise the indigenous Kashmiri liberation movement. The policy of supporting the Islamic groups continued until the 9/11 terrorist attacks in the United States, under the military regime of General Pervez Musharraf, even though Musharraf’s rule facilitated limited liberalisation (of the media, for instance) and partially rolled back Zia’s policies.⁸⁸ Some Sunnī extremist groups were banned in 2002 under post-9/11 American pressure, but their leaders were repeatedly acquitted and managed to continue their sectarian campaigns in Pakistan and Kashmir-oriented *jihādism*, with the backing of the security establishment.

In July 2007, General Musharraf confronted Pakistan’s Islamic fundamentalists by ordering a *Lāl Māsīd* (Red Mosque) and adjacent Jamia Hafsa *madrasa* (in Islamabad) siege, codenamed Operation Silence. Dozens were killed (including female students) and the mosque leader, Islamic fundamentalist Maulana Abdul Aziz, was arrested, while trying to flee, disguised in burqa (he earned an ironic nickname, ‘mullah burqa’). After the siege, in December 2007, the Tehreek-e-Taliban Pakistan (TTP), an umbrella group of Pakistani Taliban from different (often rival) Pashtun tribes, was founded under the leadership of Baitullah Mehsud.⁸⁹ Pakistani Taliban regarded the

government in Islamabad as apostate for its post-9/11 cooperation with the United States. Contrary to the ISI-supported terrorists such as notorious Haqqani Network, which did not engage in attacks within Pakistan, TTP aimed to overthrow the government and terrorised the country with attacks against the military establishment and soft targets, such as Šūfī shrines, schools and parks. Aziz was released from custody by Pakistani Supreme Court in 2009, and acquitted in 2013.⁹⁰

The linkages between the military establishment and *jihādīst* groups were pursued despite Pakistan's participation in the so-called American-led 'global war on terror' in Afghanistan. Some outfits were banned in 2002, but their leaders were incessantly shielded by the Deep State. Hafiz Mohammad Saeed, a core Pakistani fundamentalist with anti-Indian and anti-American approach, the founder and leader of the notorious Lashkar-e-Taiba (Lashkar-e-Ṭayyibā, LeT) terror group, known also under the name of Jamaat-ud-Dawa (Jamā'at al-Da'wa, JuD), is regarded as a mastermind of the Mumbai coordinated series of terrorist attacks carried out in November 2008, in which 175 people were killed and around 300 wounded. The UN and United States declared him a terrorist; the latter announced a ten-million dollar bounty on him. Defenders of Hafiz Saeed applaud his charitable activities and portray him as a respected hero of the Kashmiri struggle (JuD observed 2017 as the 'year of Kashmir'). In a bid to enter Pakistani political scene, JuD established a political party—the Milli Muslim League (MML).⁹¹ In the September 2017, Pakistani parliamentary constituency of NA120 by-election in September 2017 Lahore, Qari Muhammad Yaqoob Sheikh, the candidate supported by Saeed, won 4th place with 5822 votes.⁹² Kulsoom Nawaz, the ousted Nawaz Sharif's wife, won the by-election. Saeed's arrest and 11-year sentence passed by the anti-terrorism court in Lahore in February 2020, raised doubts that it was only a temporary strategy of the authorities to avoid being blacklisted by the Paris-based FATF (Financial Action Task Force), a terror-financing watchdog, in assessing Pakistan's progress in dealing with the Islamist groups.

Fundamentalist *madāris* are not the only platform for preaching intolerance and promoting hatred against the 'enemies of the Pakistani nation'. In his landmark publication, *The Murder of History*, K.K. Aziz (1993: 193) pointed out that mainstream school textbooks were set out to foster hatred for India and the Hindus, who were presented as inferior and dirty. A.H. NAYYAR (2013: 7–8) argued that history is still narrated with distortions and omissions and textbooks rationalise the glorification of war and military heroes: 'The curriculum as well as the books laid excessive emphasis on the "ideology of Pakistan" which is a device used by those political forces which were initially inimical to the creation of Pakistan to sanctify their politics'. Even a brief examination of selected textbooks confirms the accuracy of the aforementioned remarks. Schoolchildren from the first years of their education are taught that a 'spirit of sacrifice', Islam and nationalism are inseparable virtues which should characterise every Pakistani citizen.

The 'Islamiyat' textbook, published in 2013 (Grade 6), emphasised the sacrifices of the Prophet Mohammad, 'who would go without food' and whose companions 'were known for their spirit of nationalism and would give away all whenever the need arose in times of wars'. These sacrifices are compared to the sacrifices of Pakistanis and the 'great wisdom and courage of the leaders' during the independence struggle which gave the people 'a country where they can practice faith without fear', and one can read between the lines that in an unpartitioned India it would not be possible. The appeal to the people is simple: the 'real' Pakistanis are grateful to Allah and, in order to preserve freedom, they 'must be completely loyal to the country' and in times of need, such as war, 'sacrifice their interests for the interests of the country'.⁹³ The 'Social Studies' textbook (Grade 5) highlighted the positive role of the army throughout the history of Pakistan and advised children to join paramilitary organisations such as the Boy Scouts or Girl Guides, suggesting that it will make them 'useful citizens'. In the historical chapters, the book suggested that the Hindu Dogra Maharaja decided to join India in 1947 against the will of the Muslim majority of the PSJ&K. Unsurprisingly, the authors completely neglected the plundering Pashtun tribal invasion in Kashmir, supported by Pakistani army. The book also stated that Bangladesh was established with the help of India, because 'East Pakistanis wanted their homeland'. There is no explanation of domestic factors, which led to the initiation of the liberation struggle. The authors emphasise that Gilgit-Baltistan (GB) was given the status of a self-governing region in 2009, suggesting that it is administered in a democratic fashion. The contested status of GB was glossed over, but it was highlighted that the region has a border with the 'disputed' J&K.⁹⁴ 'Pakistan Studies' Grade 9, 'selected as the best textbook for the academic year 2017–2018 in all government schools of Punjab' according to the information on the cover, praises the ideology of Pakistan that lies in Islam, which is projected as 'a complete code of life'. The book portrays Pakistan as a country established against the wishes of Hindus, who never accepted it, presents Hindus and Muslims as two entirely different nations and claims that 'in the Subcontinent every individual who embraced Islam associated himself, socially and politically, to the Muslim society and the State. Thus he would break all the previous relationships and link himself to a new social system'. The 1965 war is depicted as India's open aggression against Pakistan in order to materialise its 'expansionist intentions', but Pakistani armed forces 'filled with spirit of Jihad forced an enemy many times bigger to face a humiliated defeat'.⁹⁵

The children schooled by such system not only do not know their real history, are prone to committing communal violence, but they are also discouraged from independent, critical thinking. The sole purpose of such state-led narratives is to create a citizen who will not question them, and is incapable of analysing the facts on the basis of unbiased sources. This process of doctrinaire conditioning continues throughout their lives. As adults, they are incessantly exposed to this rhetoric disseminated via pro-establishment

mainstream media, including controlled channels of the electronic media, social networks⁹⁶ and all those individuals who openly support the hawkish rhetoric, either cynically liaising with the regime or being genuinely ideologically involved, including some academicians, anchor persons, retired officers, civilian bureaucrats, celebrities, etc. Some of them will one-sidedly perceive India as a treacherous enemy with hostile intentions, responsible for all the problems that plague Pakistan. People are persuaded against opposing this official rhetoric of the establishment—otherwise they might be publicly deemed ‘unpatriotic’, hence pro-Indian, ‘liberal’, which has derogative connotations as it suggests ‘Westernized’ and rejecting traditional values, or—even worse—*kuffar*, i.e. infidels, people who renounce Islam. The anti-Indian stance and confrontational nature of bilateral relations is sturdily upheld by the key decision makers. The regular reports on HR violations perpetrated by Indian armed forces in Kashmir Valley on the one hand strengthen the negative perception of India, and on the other, distract public attention from the abuses committed by Pakistani security apparatus in PaJK and other marginalised regions.

Moulding education into state-controlled strategy, which fosters ideological *coup d'état*, has evolved both in Pakistan, and in India. Majoritarian Hindutva-based nationalism in India nurtures similar patterns based on normalising distorted historical facts and mobilising masses around exclusivist narratives. COHEN (2013: 133) observes: ‘on both sides of the border Indian and Pakistani children are being educated in nationalistic and religiously inspired way which automatically puts them in conflict with each other. Their shared past has been distorted beyond recognition in some of the history textbooks’. The Indian and Pakistani leaders are faced with an immensely challenging task to deradicalise their rhetoric and deideologise the school curricula to provide frameworks for discussing and resolving contentious issues, and bolstering mutually profitable cooperation. It must be accentuated, that radicalisation is not a one-sided process: in both states, the civil society, academia, HR activists, media, artists and other progressive sectors of the society actively confront the officially promoted belligerent policies and repudiate religious extremism. In case of Pakistan, the processes of Islamic radicalisation that lead to religiously motivated violence, pose a deadly threat primarily to its citizens, curtail their basic rights and largely restrict development opportunities. The historically-rooted conflict over different visions of the country’s future (from Shariatisation to secularisation), often portrayed as Pakistan’s persistent being ‘at war with itself’⁹⁷, largely hampers Pakistanis’ enormous political, socio-economic and cultural potential.

Meanwhile, the school curricula, which largely foster radicalisation, remain just one of Pakistan’s education-related problems—the other being a systemic lack of access to any education. An extremely large number of children do not attend schools, particularly girls, rural or impoverished children, and those from less-developed provinces. Despite a slight progress, still, according to UNICEF (2017: 81–82) around 22.6 million children

between the ages of 5 and 16 are out of school in Pakistan (some never attended, some dropped out) at the primary, middle and secondary levels. It accounts for around 44% of the country's children (40% boys versus 49% girls). Lack of education reinforces the vicious cycle of inequity, exclusion and poverty, and disables people from developing skills to defend themselves against radical narratives.

The structural impact of the policy of Islamisation on Pakistani society is overwhelming. The conservative clergy, politically patronised since Zia's regime, and some *madāris*, are used by Islamic parties as a reserve force and a forum for promoting and imposing radicalised attitudes (e.g. denying women's rights and civil liberties). They fostered the cultural and social transformation of Pakistani society in accordance with the Islamisation policy.⁹⁸ Pakistani radical clergy incessantly fuels sectarian tensions, marginalisation and persecution of religious minorities. The hate speech from the mosque loudspeakers or false accusations of insulting Prophet Muhammad, burning the Quran, etc. (which typically reflect local personal rivalries or communal tensions), can turn people into an agitated mob, ready to engage in pogroms, lootings, ransacking and torching houses (for example, Christian Joseph colony in Lahore, attacked in 2013) and killing anyone (Muslims and non-Muslims) falsely accused of blasphemy. These violent acts evoke rage among the majority of Pakistanis who criticise incompetent governments and police for not doing enough to protect the victims. Sometimes mob violence gets an international coverage, for example, when Shama and Shahzad Masih, a Christian couple of bonded kiln labourers, were tortured and burnt alive in Punjab on 4 November 2014 (in 2016, five culprits were sentenced to death) by instigated mob and self-proclaimed defenders of Islam, again, under false blasphemy accusations. Radical mindset is a major threat for freethinking and makes people who question the injustices and want to initiate the debate on how to introduce progressive socio-political changes particularly prone to organised violence and spontaneous brutal attacks. Worryingly, the urge to compromise and introduce self-censorship entered the university campuses. On 13 April 2017, Mashal Khan, a student of Abdul Wali Khan University, was cruelly lynched for the alleged blasphemous content, which he posted online. It later turned out that the (false) accusation was not only used to eliminate Mashal, who was criticising the university mismanagement, but also served as a punishment for a young man who considered himself a knowledge-thirsty, open-minded *Sūfī* and challenged the radical postures of many of his environment.⁹⁹ For many Pakistanis, it was an eye-opener that such brutal attacks are perpetrated not only by radical, uneducated mob, instigated by mullahs, but they may also happen on the premises of the university. The mullah-military nexus and successive civilian governments were equally accountable in this and other such cases for not acting against communalism and sectarianism, or simple, fear-motivated hatred against those who dare to think progressively. [Pervez HOODBHOY \(2008: 3–4\)](#), contended: 'Fearful of taking on powerful

religious forces, every incumbent government has refused to take a position on the curriculum and thus quietly allowed young minds to be moulded by fanatics'. According to a 2013 Pew Research poll, 84% Pakistanis say Sharia should be an official law of the state,¹⁰⁰ 84% claim that religious judges should decide in family and property disputes and 76% say that apostates should be executed. Only 29% of Pakistanis unconditionally accept a democratic government, whereas a 56% majority would prefer a strong leader instead.¹⁰¹

The proponents of radicalisation in Pakistan reduce Islam to violent political campaign which largely questions the country's belonging to a syncretic blend of many cultures and faiths, embracing diverse beliefs and practices, which is a distinctive feature of the Indian subcontinent. Promotion of radicalised mindset is not only restricted to the aggressive strands of radical Deobandī clergy and its military/civilian followers. It has also to a large extent penetrated the so-called *Šūfī* or shrine culture, often projected as open-minded and tolerant symbol of the state. *Šūfī* culture with its devotional rituals is deeply embedded in South Asian tradition and remains one of the sources of collective regional identity, with particular manifestation in Pakistan. *Šūfī* mystics and poets such as Syed Abdullah Shah Qadri, known as Baba Bulleh Shah, Fariduddin Ganjshakar (Baba Farid), or Lal Shahbaz Qalandar,¹⁰² to name just these distinguished ones among others, are cherished along with devotional *qawwali* music, performed also by renowned artists in Pakistan and abroad, which has a strong emotional and spiritual component for many Muslims, Hindus and Christians. People belonging to different creeds or social groups have unique opportunities to intermingle in the shrines: local elites, powerful statesmen, landowners and systemically discriminated groups, like women, transgender, religious minorities, etc.¹⁰³ Rare foreign guests are welcomed with utmost friendliness, as the authors of this book experienced multiple times.

The adherents of *Šūfīsm* are often portraying themselves as more eclectic and spiritual proponents of religious syncretism and highlighting their staunch opposition against militant Islam. They are often young people, such as Mashal Khan. Yet, such one-sided, naïve, mass media-promoted, popular-in-the-West perception of *Šūfīsm*, as only apolitical and pacifistic attitude, ignores the fact that '*Šūfī* culture' has also been challenged by radicalism. *Šūfī* traditions are internally profoundly diverse, rivalry-prone; their politisation and radicalisation date back at least to the pre-partition era.¹⁰⁴ Khadim Hussain Rizvi, posing as an eccentric follower of *Šūfī* masters, proved that *Šūfīsm* may also be entangled into current political process and used for preaching intolerance. Rizvi's organisation, the far-right Lahore-based Islamist Tehreek-e-Labbaik Pakistan (TLP, 'I am present Pakistan' movement), was not engaged in terrorist activities, yet it cynically used the positive connotations that *Šūfīsm* evokes among many young people to agitate them and force its own political agenda. Nadeem F. PARACHA (2018) refers to *Šūfīsm* as 'contested space': he contradicts the Taliban extremism as being not intrinsic to Pakistani culture with Barelvi fundamentalism,

prevalent in Pakistani society, represented by Rizvi, who used *Ṣūfīsm* to bolster sentiments sown by Deep-State-promoted supremacist narrative. The TLP organised massive anti-government rallies which led to violent clashes with the police on numerous occasions. For example, they claimed it was against Islam when a Christian woman, Asia Bibi, was acquitted from blasphemy charges after having spent nine years in prison. The TLP tried to influence the verdict by threatening to organise massive sit-ins. In November 2017, Rizvi's supporters paralysed Islamabad and other major cities in a bid to force the Minister for Law and Justice Zahid Hamid to step down over the alleged blasphemy accusations. The army refused to implement the government's order to assist in the dispersal of the religious hardliners, calling them 'their own people'. Instead, the generals chose to act as intermediaries, strengthening the army's positive image among certain pro-military elements of society. The COAS General Qamar Javed Bajwa 'advised' the then Premier Shahid Khaqan Abbasi to deal with protesters 'peacefully' and participate in political dialogue. The arrested Islamists were freed and each was supported by the army with 1000 rupees for their journey home. Minister Hamid's forced resignation proved that the hard line religious demands could be easily imposed on civilian politicians. In 2020, during the second wave of COVID-19 pandemic, Rizvi's proponents rallied against what they regarded as anti-Muslim content of a French satirical magazine, *Charlie Hebdo*. Khadim Hussain Rizvi died on 19 November 2020 and his funeral at the Minar-e-Pakistan, Lahore, attended by thousands of followers, served as an illustration of how deeply *Barelvi* radicalism disguised in *Ṣūfī* uniform is popular in Pakistan's collective mindset and how effectively it mobilises the masses. His son and successor, Saad Hussain Rizvi, organised disruptive and violent anti-French protests against the presentation of cartoons of Prophet Muhammad (for which the French teacher, Samuel Paty, had been beheaded by an 18-year old Chechen refugee in October 2020, in a suburb of Paris), demanding a boycott of French products and an expulsion of the ambassador. This goal was not achievable (France is a key source of financial assistance to Pakistan¹⁰⁵) but mass agitation, persistent politicising of blasphemy laws and inciting clashes in major cities, illustrated hard-liners' desire to control Pakistan's mainstream policies. Saad Rizvi was arrested in April 2021 (his organisation was also banned) under Pakistan's Anti-Terrorism Act, 1997, which led to violent protests, proving that the TLP is a force which is likely to be difficult to control in the future.

The reforms that aim to transform Pakistani society into more equality-based, with universal access to education, are slow, *inter alia* because considerable expenditure is allocated on security issues, at the expense of urgent economic and social needs. It is promoted as a form of 'sacrifice' of the entire nation (yet mostly hits the poorest and disenfranchised groups), which is—in accordance with Pakistani ideology—manifested as the 'put the country first' attitude. This evokes the words of Zulfikar Ali Bhutto who mobilised nuclear nationalism in Pakistan¹⁰⁶ and endorsed the state's nuclear

programme at any cost. In 1965, as Minister of Foreign Affairs, he made his famous declaration: 'If India builds the bomb, we will eat grass or leaves, even go hungry, but we will get one of our own. We have no alternative'. Today these words sound like a grim prophecy of the nuclearisation of Indo-Pakistani relations (India became officially nuclear in 1974, Pakistan in 1998). Notwithstanding the economic and social challenges Pakistan faces, the significant portion of its society would confirm their pride of being the only Muslim nuclear state, which gives them a sense of 'atomic equilibrium' with India. Nuclear weapons are officially projected as a means to achieve the long-term goal of Pakistani strategic planning: matching India's technological capacity and conventional advantages, and offsetting its regional influence. Nuclear capabilities constitute a core pillar of Pakistan's India-centered security objectives and the incessant, obsessive projection of India as a potential assailant: having the bomb is portrayed as an ultimate guarantor of Pakistan's national survival in case of Indian attack, either nuclear or conventional. Pakistan's nuclear posture is therefore determined by several factors, that include a perceived level of Indian threat and the necessity to maintain minimum deterrent capability, the external pressure deriving from international non-proliferation regime and domestic challenges related to the ability to generate recourses for the nuclear programme.¹⁰⁷

9.6 Mainstream political parties and Kashmir

Major political parties in Pakistan have a fixed political agenda aimed at expressing dedication to the cause of Kashmir, in accordance with Pakistan's ideology and territorial claims, that involve constant reference to the situation of Kashmiri Muslims in IaJK. They highlight the human rights violations there and declare support for the 'aspirations' of Kashmiris, living, according to Pakistan's discourse, in 'illegally occupied' Indian Kashmir. Some parties abstain from bringing up the subject of Kashmir, instead, they refer to commonly used generalities, such as resolving the conflict through dialogue or guaranteeing economic development in PaJK. These narratives illustrate the unprecedented level of multi-layered submissiveness towards the Deep State in Pakistan, where the politicians do not dare to question the establishment's strategy vis-à-vis Kashmir and their parties mainly play the role of 'patronage platforms', without any trace of independent strategy.¹⁰⁸ A brief analysis of political parties' programmes corroborates this sombre assumption.

The resolution of the Kashmir dispute is specified as a core national interest of Imran Khan's party, the presently (2021) ruling PTI. Khan made many populist promises during his election campaign, including improving relations with India. Progressive rapprochement was emphasised as one of the main goals in the long-term foreign policy of Pakistan. While referring to domestic affairs, the party pointed out the necessity for decentralisation, but in its 2013 Manifesto, 'addressing political grievances' was restricted only to the Federally Administered Tribal Areas and Balochistan.¹⁰⁹ In 2018, Imran Khan got his

chance to prove if he is able to deliver *nayā Pākistān*, which he had pledged, gaining popularity among many Pakistanis. The party's manifesto, titled *The Road to Nayā Pākistān*, briefly sketched the external security strategy. The Kashmir resolution 'within the parameters of UNSC resolutions' was enumerated among four core national security interests.¹¹⁰ It signified the relentless political attachment to Pakistan's traditional position on Kashmir, based on the UN resolutions. Consequently, no political shifts were introduced by Khan's administration when it comes to regional strategy. Conversely, the first years of Imran Khan's tenure were marked with escalated tensions with India, especially following the JeM-carried out 14 February 2019 Pulwama attack in IaJK. Following the abrogation of the Article 370 by New Delhi, Khan gave an interview given during the World Economic Forum meeting in Davos on 22 January 2020 to *Foreign Policy*, where he accused India of unilateral annexation of Kashmir by its bifurcation, turning IaJK Kashmir into an 'open prison' and called it a disaster for India. Referring to his own government's two-faced silence on the plight of China's Uighurs, Imran Khan claimed his alleged lack of information on China's brutality: 'One main reason is that the scale of what is going on in China—and frankly, I don't know much about it, I just occasionally read about it—is nothing compared to what is happening in Kashmir'. Apart from the unconvincing argument of the 'scale' of human rights violations, Khan added: 'As far as the Uighurs, look—*China has helped us* (italics—AK). China came to help our government when we were at the rock bottom'.¹¹¹ This statement illustrated Pakistan's generally sycophantic attitude regarding China, upheld by the PTI-led administration, which includes opportunistic negligence of the Uighurs' plight, while raising Kashmiri Muslims' situation on every occasion. Therefore, Pakistan's human rights selective criticism may be assessed rather as part of a two-nation theory-based territorial revisionism with reference to the concept of its ideological and territorial frontiers, embraced by the Pakistani army¹¹² and some compromising politicians, than an actual concern over the violations of Kashmiris' rights and freedoms.

Pakistani civilian leaders seem powerless and repetitive; in their parties' manifestoes, they primarily replicate parallel slogans regarding Kashmir, refer to historically-rooted agenda, without going beyond the military establishment rhetoric. They typically prioritise 'Kashmir conflict resolution' claiming it as high-priority political objective. The Pakistan Muslim League-Nawaz (PML-N), which remained in power until 2018, declared that 'special efforts will be made to resolve the issue of Jammu and Kashmir, in accordance with the provisions of the relevant UN resolutions and the 1999 Lahore Accord and in consonance with the aspirations of the people of the territory for their inherent right of self-determination'.¹¹³ It was not clarified whether the 'territory' includes all pieces of the former PSJ&K, or rather, the Indian-administered part. The Pakistan Peoples Party (PPP), which propagated the slogan 'The new hope for a prosperous and progressive Pakistan' on its official website, in its manifesto advocated 'empowerment for all' as its central political commitment. In the 2013 manifesto, it vowed to 'maintain

full solidarity with and continued moral, political and diplomatic support of the Kashmiri people for realizing their legitimate aspirations'.¹¹⁴ Kashmir remained a vital issue in the international political agenda of the PPP. In its 2018 programme, the party pledged to use Pakistan's strategic status to address the political and humanitarian crises in IaJK and Palestine (conveniently omitting the Muslim Uighurs' predicament in China) on the forum of the OIC (Organization of Islamic Countries) to provide 'political and economic support for the self-determination of the Kashmiri people'.¹¹⁵

Regarding PaJK, the PPP expressed its 'long commitment to the greater integration of Gilgit-Baltistan into the mainstream, and to the rights and welfare of the people of the region', praised Zulfikar Ali Bhutto's policy vis-à-vis Kashmir (with no precise examples of how it contributed to the economic development of the region) and criticised 'the undemocratic steps taken by the PML-N government' (there was no reference to the Deep State's presence in GB and AJK or to human rights violations). The PPP pledged to facilitate political devolution, to empower Legislative Assembly and to enhance fiscal autonomy by providing the people of GB with 'greater control over revenues generated within the area'.¹¹⁶ The party also declared commitment to the political and economic empowerment of the people of Azad Jammu and Kashmir (AJK) and improvement of the governance. It assured 'to increase the development budget' and to put AJK 'on the track of prosperity and development'; the projects included electricity, natural gas, motorways, health, education, water projects, national investment and viable public transport network across the region. AJK's share of net hydel profits was supposed to be evaluated in response to local needs.¹¹⁷

Jamaat-e-Islami (JeI), one of Pakistan's mainstream Islamic parties,¹¹⁸ as of 2021 led by Siraj ul-Haq, had its contribution to the Islamisation of Kashmiri movement by supporting Hizb al-Mujāhidīn (Party of Holy Fighters), *jihād*ist group fighting in IaJK. JeI collected funds and recruited militants to fight in Kashmir insurgency after 1989.¹¹⁹ In its 2013 Manifesto the party announced that 'Pakistan is passing through the worse phase of its history' and emphasised the elusiveness of peace ('a fundamental need of the society') in different regions of the country: Karachi, Balochistan, the tribal areas, Khyber Pakhtunkhwa. GB and AJK were not mentioned. It further highlighted the need for a 'sovereign, independent and dignified Pakistan', with a strong reference to IaJK: 'liberation of Kashmir from Indian occupation will be the cornerstone of our foreign policy. We hold in the highest esteem the seven-decade-long freedom movement in Kashmir. [...] We believe that the only solution to the Kashmir dispute lies in holding plebiscite in the light of the UN resolutions. To achieve this goal, we consider it our foremost duty to extend full cooperation political, moral and diplomatic to the oppressed Muslims of Kashmir'.¹²⁰

PaJK was not mentioned in the political agenda of the Awami National Party (ANP, secular, Pashtun nationalist party), which adhered to the slogan of 'peace, democracy and development'. According to its programme, the

party draws its motivations from the teachings of Abdul Ghaffar Khan. With reference to Indo-Pakistani relations and the Kashmir issue, the document only vaguely declared that ‘the establishment of peaceful, cooperative good neighbourly relations with India will be given high priority. All issues including J&K and other outstanding issues would be solved through peaceful negotiations and open dialogue shall become the hallmark of bilateral relations’.¹²¹

Political declarations of major Pakistani parties are constructed with great circumspection as far as the choice of words is concerned. This applies particularly to the issues projected as ‘fragile’, including the Kashmir conflict, reconciliation with India, or the situation in PaJK. Not much space is devoted to the resolution of conflict with India recognised as key precognition to regional development, no potentially workable solutions are proposed; the problems of the inhabitants of AJK or GB are often non-existent in the parties’ officially published agendas. At the same time, Pakistan’s international strategy and security concerns are incessantly portrayed as overwhelmingly India-centric and their core component is based on a deeply rooted revisionist agenda with reference to IaJK, which is particularly noticeable in the JeI programme. Religious parties, militant groups and the radical section of the establishment reinforce each other in mobilising people around Islamic conservatism in order to bolster their role in shaping a more fundamentalist sociopolitical system in the country.¹²² The India-centric rhetoric, that goes hand in hand in with the strategy aimed at providing support to the Muslims in Indian Kashmir, has always been a beneficial tool for Pakistani policymakers, not only when military regimes directly ruled the country. The projection of Kashmiri Muslims as marginalised, traumatised and multi-dimensionally exploited by the Indian policymakers and ferocious armed forces, easily mobilises public support for the anti-Indian policies and at the same time arouses nationalist sentiments. It also partially enables to divert public opinion from a plethora of internal problems encumbering Pakistan and enhances support for revisionist and jingoistic foreign policies. The unresolved conflict for which the arch enemy is held responsible, and the quest for ‘obtaining justice for Kashmiri Muslims’ have thus remained crucial elements of Pakistani ideologically motivated official narratives and its security policy,¹²³ as shown in the key parties’ programmes referred to above.

The army’s role in perpetrating a soft *coup d’état* with the government that follows the military’s ultimate influence on crucial objectives of Pakistan’s security policy¹²⁴, including the strategy towards India, Afghanistan, relations with China and the United States, was upheld in the aftermath of the 2018 elections. It can be reasonably assessed that without such prevalent Deep State’s political leverage, the genuinely popular civilian authorities, acting in accordance with core principles of democracy (i.e. guaranteeing popular control over decision-making process), backed by an electoral mandate and willing to alter the country’s policies versus India, would redefine and reorient these objectives. Meanwhile, Imran Khan’s administration seems to confirm the assumption that he will not have a decisive

role in handling the Kashmir issue and relations with India. The anti-India speeches of Pakistani top policymakers, reprimanding New Delhi for its policies in Kashmir, resonated mostly in Pakistan and were augmented by a presentation of a ‘new’ map of Pakistan, depicting IaJK (without Chinese-controlled Aksai Chin) as illegally occupied (this cartographic rivalry is not a new phenomenon, though; India also presents its own versions of Kashmir map¹²⁵). Under Imran Khan’s government, the military establishment, having comfortably no desire for direct military rule, which would include accountability for managing the economic crisis, has substantially buttressed its self-serving strategy. With a compliant proxy (Khan) within Pakistani territory, the security establishment seeks what may be termed as ‘internal strategic depth’ in order to uphold its milbus-related privileges and pursue a strategy of regional revisionism while remaining a guardian of the Islamic ideology projected as a crucial element of Pakistan’s *raison d’être*. The intensified Hindu majoritarianism in India, the annulment of the Article 370 of the Indian Constitution, the institutionalised disenfranchisement of India’s Muslims, including those in Kashmir, exacerbated by the ruling Indian People’s Party (BJP)-led coalition with support of the far-right RSS, enabled Pakistani leadership to bolster the accusatory, Kashmir-centred narrative and provoke domestic ‘patriotic fervour’ among the critics of India’s policies, yet without meaningful international success.

9.7 Selective approach to human rights

Exhortations to respect human rights (HR) are moulded into political slogans in mutual contacts between Indian and Pakistani representatives whenever their respective leaders have the occasion to condemn their opponents. This persistent juggling with HR and treating them instrumentally as political tool in the war of words is perfected by the geostrategic hawks on both sides. Needless to say, it does not improve the situation of the indigenous people in either side of Kashmir, who are marginalised and, to a large extent, voiceless in this mutual Indo-Pakistani tussle. Asma Jahangir, the renowned Pakistani lawyer and HR defender (passed away in February 2018),¹²⁶ argued that state-authorised projection of the neighbours’ negative image, which exacerbates the already existing trust deficit, is strongly embedded in the political agenda on both countries.¹²⁷ Accentuating how parallel the Kashmir policies of both rivals are, in October 2016, Jahangir tweeted: ‘Liberate Srinagar’s Kashmiris from brutality of Indian army and Pakistani Kashmiri leaders in Islamabad from the fear of Pakistani generals’.¹²⁸ She relentlessly contended that Kashmiris are systemically and systematically deprived of their political rights on both sides of the border, not only in India, thus earning the allegations against her, produced and disseminated by Pakistani Deep State of being a ‘darling of India’, ‘Indian agent’, and a ‘RAW spy’.

In Pakistan, HR are instrumentally and selectively used as key slogan in the rallies supporting the Muslim Kashmiris in IaJK (and sometimes

Rohingyas in Burma or Palestinians). Manifesting Pakistan's commitment to human rights protection by organising protests against the violations of Kashmiris' human rights in IaJK has been an inalienable part of Pakistan's strategy, illustrated also by staunch reactions whenever any violent news from Indian part of Kashmir reaches the world. The intentions of such policies are as follows: mainstreaming a catchphrase of suffering Kashmiris to materialise revisionist agenda vis-à-vis IaJK, diverting attention towards India's misconduct and overlooking its own wrongdoings in PaJK, buttressing the 'freedom struggle' of Kashmiri militants in Kashmir Valley and projecting Pakistan's international image as a human rights defender (versus India as HR violator). Rebuking India's abuses serves, therefore, primarily as a convenient domestic and international policy tool. Pakistani civilian and military leaders deliver catchy speeches at international fora and use the lofty slogan of self-determination for the Kashmiris whilst knowing well that this goal is unattainable also due to their own resistance to acknowledge that self-determination right should involve the inhabitants of PaJK. The emphasis on abuses is restricted to the rights of the people living on the Indian side alone. Every instance of HR violations committed by the Indian security apparatus is internationally vociferously criticised by Pakistani policymakers, with a complete silence concerning HR situation in PaJK.

Pakistani reaction to India's bifurcation of IaJK in 2019, may serve as an illustrious example of such selected approach. Imran Khan called and presided over the National Security Council, a controversial federal consultative body, created and supported by the military leaders (for the first time by president-general Yahya Khan in 1969, and later reintroduced by General Pervez Musharraf). The NSC, which includes *inter alia* the Director General ISI and the COAS, and ensures additional platform for the military establishment to directly influence Pakistan's foreign and security policy, sharply rebuked India's policy. Islamabad downgraded relations with New Delhi, suspended trade, pledged to discuss the issue at the UN forum and declared 14 August (Pakistan's independence day) as solidarity day with Kashmiris residing on Indian side of the LoC and 15 August (India's independence day) as a 'black day'. Pakistan turned down India's request to open airspace¹²⁹ to Narendra Modi for his flights to the United States (to attend the UN General Assembly meeting) and Saudi Arabia, referring to HR violations in IaJK. Notably, Imran Khan also warned hundreds AJK pro-independence activists (who do not recognise the LoC) against expressing solidarity with IaJK's Kashmiris who wanted to march towards Srinagar after India revoked Article 370. Cooperation initiatives between divided Kashmiris, which would oppose the official state-authorised narratives, are regarded with apprehension both by Pakistani and Indian leadership.

Human rights and freedoms that in democratic states are anchored in principles endorsed by the domestic and international law, in Pakistan are often selectively interpreted and those who question the state-imposed rhetoric are systematically excluded from protection. It is exceptionally dicey

to take up the problems connected with broadly understood civil liberties, fundamental constitutional freedoms and other issues considered fragile by the leadership (they include *inter alia* independent debates on Kashmir and on Balochi or Pashtun nationalisms). If such debates are held, it is under the strict control of the security establishment and the participants are aware of the necessity of self-censorship, otherwise they might risk persecution, and in some cases, even life. Local activists or progressive thinkers risk torture, illegal arrests, basic rights deprivation and physical elimination. The federal authorities have compromised the freedom of expression with the establishment; they do not encourage civil society initiatives and any meaningful debate on sensitive issues is heavily restricted, banned or rigidly state-controlled by the civil-military bureaucracy. Activists, bloggers, human rights defenders, NGO's, local nationalist leaders and all those who think independently, encourage to discuss or reject mainstream rhetoric, are exposed to threats, enforced disappearances and torture, or simply assassinated. Among others, so was the case of a distinguished HR activist Sabeen Mahmud, shot dead in April 2015 in Karachi after she had organised a discussion *Unsilencing Balochistan* in the community space called The Second Floor or T2F. The T2F is much more than a coffee shop; it was meant to be a platform for an open discussion, intellectual gatherings, workshops, seminars, cultural activity and propagating progressive ideas, founded by Sabeen as a project of a non-profit NGO, Peace Niche.¹³⁰ Her killing was meant to warn the activists in Karachi and elsewhere.

In January 2017, the Rawalpindi-based NGO expressed its concern about the enforced disappearances of at least four independent activists who were 'active on social media groups promoting secular views and criticized military or conservative state'. Waqas Goraya and Asim Saeed disappeared on 4 January, Salman Haider went missing on 6 January and Ahmad Raza Naseer vanished the following day. They were labelled by the state as infidels and traitors, serving the interests of the West. 'It clearly shows [the] zero tolerance policy of the government of Pakistan for human rights activists, journalists and any other outspoken professionals. (...)None of the government official took a single step in direction to resolve the grave issue of enforced disappearance that clearly shows that government is not interested to end this cruel practice, compensating the aggrieved family members or ratifying the international conventions against enforced disappearance'.¹³¹ Upon their release, a few weeks later, they immediately left Pakistan to seek safety. In March 2017, Ahmad Waqas Goraya admitted that he had been tortured by a 'government institution', which had links to the military/ISI. He was unlawfully detained because he had a satirical Facebook page, which criticised the army's political influence in Pakistan, including the military strategy in the restive area of Balochistan.¹³² It was easy to accuse him publicly of 'infidelity', undermine his patriotism and loyalty to 'Pakistanihood' as he is a liberal activist. The harassment and intimidation of the activists who are regarded as enemies of state, reaches far beyond Pakistan. Goraya,

who lives in exile in Rotterdam, was attacked and threatened to be killed on 2 February 2020 in front of his home reportedly by some Urdu speakers. Reporters without Borders immediately called on the Dutch authorities to protect him.¹³³ The UK-based Pakistani researchers, authors and activists who criticise the army, also receive threats: for example a renowned political scientist Ayesha Siddiqi or columnist Gul Bukhari. In April 2020, another dissident, Sajid Hussain Baloch, a missing journalist, who reported HR violations in Balochistan, was found dead close to Uppsala. In December 2020, Karima Baloch, a young dissident, who campaigned for independence of Balochistan, and exposed HR violations there, was found dead in Toronto (she had been granted asylum on Canada in 2016 and enumerated on the BBC's list of 100 inspirational and influential women that year). As both were at loggerheads with Pakistani military establishment, it raised suspicions that they had been kidnapped and assassinated to show that exile does not provide safety if dissidents continue to criticise the Deep State and Pakistan's domestic and foreign policies.

It is important to highlight here that Pakistan is among the countries that have neither signed¹³⁴ nor ratified the Convention for the Protection of All Persons from Enforced Disappearance (adopted by the UNGA on 6 February 2007, entered into force on 23 December 2010), despite its commitments to do so since 2008. Consequently, Islamabad does not recognise the competence of the Committee on Enforced Disappearances to consider individual and interstate complaints, pursuant to Articles 31 and 32 of the Convention. The UN Human Rights Commission Working Group on Enforced or Involuntary Disappearances visited the country between 10 and 20 September 2012. According to its report, the perpetrators of enforced disappearances act with impunity and the Group was not provided with information about any conviction of State agents in relation to such acts, [UNHRC \(2013\)](#). Another report, published in 2016 following the visit of The Working Group to Pakistan, expressed concern about lack of progress in enhancing the citizens' rights and freedoms. The military courts, which were established after 2014 Peshawar terrorist attack as part of the National Action Plan to prevent terrorism, tried civilians suspected of involvement in terrorism-related offences. It expanded the power of law enforcement and intelligence agencies and was not in conformity with internationally recognised HR standards, according to the [UNHRC \(2016: 35–41\)](#). The 2019 [UNHRC \(2019a: 19, 27, 42\)](#) report highlighted 'a very high number of allegations both under the urgent action and the standard procedures in relation to cases of enforced disappearances' and pointed out the intimidation practices perpetrated by the authorities according to the received testimonies, which indicated the 'pressure on relatives of victims of enforced disappearances to persuade them not to pursue their cases before the Working Group'. There were 1144 cases of disappearances in Pakistan reported by the Working Group between 1980 and May 2019, with the number skyrocketing during the military campaign in the tribal areas in

2015 and 2016 (284 and 300 cases, respectively). The victims were abducted mostly in Sindh (Karachi), Balochistan and KPK (UNHRC 2019b: 15–17). There is not information regarding the abductions in PaJK, which should not be interpreted as proof that there are no enforced disappearances there, rather the access to impartial, credible information is curtailed.

It is worth to look briefly at the Pashtun Protection Movement's (PTM) history as it illustrates systemic inequalities fostered by the Pakistani decision makers and their approach vis-à-vis peaceful political activism in marginalised areas. The PTM was set up (under the name of Mehsud Tahafuz Movement, later renamed PTM) in the aftermath of the 2014 military campaign in the tribal areas and became more active in 2018 when a young Pashtun, Naqeebullah Mehsud (Waziristan-native shop-keeper and popular, aspiring model), was abducted, tortured and then extrajudicially killed in Karachi in a fake encounter staged by the then powerful and known for his brutal methods superintendent of police, Rao Anwar (he was suspended after Mehsud's death). Mehsud was cleared of terrorism charges in January 2019; his case sparked national outrage and reactivated Pashtun civil rights movement. Pakistani artist, Adeela Suleman, shot a documentary titled *The Killing Fields of Karachi*, presenting his story with participation of the father of Mehsud,¹³⁵ and organised art exhibit during Karachi Biennale in October 2019. It consisted of 444 tombstones—each being a symbol of Rao Anwar's victims; the installation was subsequently closed by the intelligence establishment, which was accused of curbing free speech by HR activists. In December 2019, Rao was blacklisted by the United States for HR violations, including fake encounters and Naqeebullah's killing.

The PTM is led by a young, popular leader, Manzoor Ahmed Pashteen, who represents the voices of many Pashtun people, claiming the army's accountability for kidnappings and killings. He also demands clearing of land mines and releasing detained people, who are considered 'missing'. It is a unique sociopolitical movement on the political scene of Pakistan. Pashteen openly criticised the military establishment and accused it of sponsoring terrorist groups, HR violations (extrajudicial killings, enforced disappearances). The Human Rights Commission of Pakistan (HRCP) 'strongly urged the government to refrain from interfering in people's right to peaceful assembly',¹³⁶ but the repressions intensified (with tacit consent of the Imran Khan's government) when the PTM planned to hold public rallies, which usually attract thousands of supporters. Its activists were subjected to a vilification campaign (PTM was accused of receiving funding from India and Afghanistan), labelled as enemies of state, traitors and repeatedly harassed, abducted or arrested. On 27 January 2020, Manzoor Pashteen was detained without due process ahead the planned rally and accused of 'disturbing public order'¹³⁷; same happened to some other leaders of the PTM. His arrests and intimidation continued in 2021. Markedly, the colonial era offence of 'sedition' (section 124-A of the Pakistan Penal Code, PPC) is widely used to

eliminate dissent by charging anyone who ‘excites disaffection towards the Federal or Provincial Government’ or spreads ‘feelings of disloyalty’.

Pakistani establishment exerts control over domestic discourses and practices by designating the issues which have to be regarded as ‘fragile’, and thus, exempted from an independent debate. At the same time, the state endorses victimhood narrative and conspiracy theories, the involvement of a ‘hidden hand’ of ‘enemies’ in escalating Pakistan’s problems and tarnishing its international image. [Husain HAQQANI \(2018b: 5–6\)](#) mentions the ‘if only’ discourse, which occasionally serves as explanative tool to justify Pakistan’s crisis by referring to historical dynamics: ‘If only Pakistan’s founder, Muhammad Ali Jinnah, had not died within a year of its creation’ is one of the most popular of such ‘if only’ contentions. Others include ‘If only Pakistan had not become embroiled in the Cold War as America’s partner since the 1950s’; ‘if only Zulfikar Ali Bhutto’s populist politics had not unsettled the established post-colonial order in the 1970s’ and ‘if only General Zia-ul-Haq had not adopted Islamisation as the justification for his dictatorship during the 1980s’. This wishful thinking does not provide solutions to Pakistan’s problems but rather halts complex, genuine assessment of the interconnections between its persistent dysfunction and the role Islamic nationalism and Kashmir-oriented revisionism have played in its nation-building process and persistently upheld ideological *raison d’être*.

Notes

1. Established in 1906 with the initial aim to promote and protect Muslims’ interests in British India.
2. Urdu was spoken fluently by approximately 7% of the then Pakistani society. The language played an important nation-building role for the ruling establishment of Pakistan, but its imposition was considered a state-led oppression by marginalised provinces, particularly East Bengal. [TALBOT \(2015: 474–476\)](#), [NAWAZ \(2008: 172–173\)](#).
3. On 15 April 1947, Maulana Abdul Kalam Azad, Indian independence activist, the INC leader, and later, the first Indian Minister of Education, issued a statement: ‘the very term of Pakistan goes against my grain. It suggests that some portions of it are pure and others are impure’. He called such divisions un-Islamic. [KUMAR \(1991: 132\)](#).
4. [JAFFRELOT \(2015: 81–82\)](#), [CHAPMAN \(2003: 141–165\)](#). The name was presented in 1933 by Choudhary Rehmat Ali, the University of Cambridge student, in his pamphlet titled *Now or Never; Are We to Live or Perish Forever?* He rejected the idea of ‘Muslims being duped into a Hindu-dominated Federation’.
5. Islamic title for a distinguished scholar, an erudite.
6. [WOLPERT \(1984: 123\)](#).
7. Markedly, in his 1930 speech Iqbal supported the creation of a ‘Muslim India within India’, an amalgamation of Muslim-majority provinces into a ‘North-West Indian Muslim State’.
8. [AHMED \(2020: 47\)](#).
9. *Qā’id-e-Ā’zam*.
10. [DFP \(1983: 5–23\)](#).
11. [HAQQANI \(2003: 34\)](#).

12. JALAL (2014: 10–11).
13. KEAY (2014: 106), SHAIKH (2009: 5).
14. Muhammad Iqbal, *Mazhab*, cited in LIEVEN (2011: 124).
15. Ruttie died in 1929. Their only daughter, Dina, married a Parsi-born man, who had converted to Christianity; it severely strained her relations with father, who hypocritically disapproved of a marriage to a non-Muslim. Dina died in 2017, at the age of 98. After M.A. Jinnah's death in 1948, she visited Pakistan only once more, in 2004, for India-Pakistan 'cricket diplomacy' match.
16. In May 1947, while negotiating with the Sikh community to revoke their opposition to Pakistan in Punjab, he reportedly narcissistically argued: 'My word in Pakistan will be like a word of God. No one will go back on it'. More on Jinnah-Sikhs interactions and Punjab partition: AHMED (2014). To appease the Sikhs' apprehensions following the Lahore Resolution, 1940, Jinnah promised them an 'effective and influential role in Punjab', which he saw as autonomous and sovereign unit. SHAHID (1976: 20–21).
17. JALAL (1990: 16).
18. Interview given by Jinnah to W. Muller of the BBC, NAP (2006: 737).
19. FAIR (2014: 44).
20. KHAN (2005: 69).
21. Cited in SHERWANI (1986: 15).
22. TALBOT (2015: 475).
23. PIRBHAI (2017: 234).
24. Jamīyat Ulemā-e-Hind.
25. CHAWLA (2011: 36).
26. *Kāfir-e-Ā'zam*.
27. JALAL (2014: 33–34).
28. ULLAH (2014: 77).
29. A learned Islamic scholar's title, used in the Indian subcontinent.
30. DHULIPALA (2015: 283–290).
31. *Khudāi Khidmatgār*.
32. JAFFRELOT (2015: 152–153).
33. As a result, the NFWP was merged with Pakistan with only 51% turnout in the referendum of the 573,000 registered voters. JAFFRELOT (2015: 153).
34. KHAN (2010: 41).
35. PURI (2012: 24–25).
36. QAIYUM (1945: 38, 43–44).
37. About his role in 1947–1948 *jihād* in Kashmir, see: HASSAN (2015: 1–2).
38. BRESEEG (2004: 233).
39. ALI-REHMAN (2001: 62), AXMANN (2009: 230).
40. ZIAULLAH-BAID (1985: 76–77).
41. JAFFRELOT (2015: 13).
42. See more: JAFFRELOT (2002: 7–50).
43. LA PORTE (1999: 45).
44. WILLMER (1996: 574).
45. He became the 5th Pakistani Prime Minister for a short time in 1956–1957.
46. JINNAH (2000: 92).
47. As quoted in TALBOT (1998: 1), PAUL (2014: 127). A.R. SIDDIQI (2008: xviii) gives a similar statement of the Pashtun leader, but declared much earlier, 27 years after the establishment of Pakistan.
48. SHAIKH-ISLAM-JATOI-KHAN (2018: 133).
49. More on army's position: FAIR (2014), HAQQANI (2016, 2018b), CLOUGHLEY (2014), COHEN (1985), KUSZEWSKA (2017).

50. [GFP \(2021\)](#). In comparison, India, inhabited by more than 1.3 billion people, has military strength ranked 4th by the GFP. The forces include: over 1.4 million active personnel (second in the world, after China), 1.1 million reserve personnel, and 2.5 million paramilitary forces.
51. See also: [CONSTABLE \(2011\)](#).
52. In 2013 elections, the PTI was the third largest party in the National Assembly and managed to take power in KPK province.
53. The radical transformation from 'playboy to prayboy', from a London night-clubs party-man to newfound piety, was ridiculed by his opponents as hypocritical and politically motivated.
54. [DI \(2020\)](#).
55. [BALCEROWICZ–KUSZEWSKA \(2022a, Epilogue\)](#).
56. [BALCEROWICZ–KUSZEWSKA \(2022a, §9\)](#).
57. [RACINE \(2002: 120\)](#), [FAROOQ \(2016: 106\)](#).
58. 'Si Dieu n'existait pas, il faudrait l'inventer' ('If God did not exist, it would be necessary to invent him'), see [DOMENECH \(1989: 128\)](#). [Jawaharlal NEHRU \(1985: 513\)](#) quotes these words in his book.
59. [BAHADUR \(1998: 263\)](#).
60. [FAIR \(2018b: 42\)](#).
61. [HOODBHOY \(2013: 117\)](#).
62. Similar slogans, showing the alleged links of Kashmiri Muslims with Pakistan, are sometimes chanted during protests against the Indian administration in the Kashmir Valley: *Pākistān se rishta kyā? Llā 'ilāhā 'illā llāh* (What is our bond with Pakistan? There is no God but God (Allah); *āzādī ka matlab kyā?–lā 'ilāhā 'illā llāh* What does freedom mean? There is no God but God (Allah). [ROY \(2011: 65–66\)](#).
63. [FAIR \(2014: 273\)](#). Referring to 'what Kashmiri people want' has become a permanent component of the tug of war between India and Pakistan, with the establishments on both sides usurping the right to speak on behalf of the Kashmiris, but in fact, often projecting their respective states' official objectives without providing a reliable source. Verghese KOITHARA (a retired Indian vice-admiral) (2004: 84) cites the surveys carried out in 2002 (he does not give the source of this information), showing that only 1–6% of Kashmiris prefer Pakistan and most want to stay with India, but with a reduction of security forces and greater control over local affairs.
64. [FAIR \(2014: 265\)](#).
65. [AHMED \(2010: 6–8\)](#), [KUSZEWSKA \(2017: 48–55\)](#).
66. [COHEN \(2004: 61\)](#).
67. [HASSAN \(2014: 42\)](#).
68. [HAQQANI \(2016: 137\)](#).
69. [ZIRING \(2003: 150\)](#).
70. JeI was founded in 1941, and its leader was against the Pakistan Resolution of 1940 as according to him it did not promise to establish an Islamic state. Later, as he asserted his position in Pakistan's politics, Maududi's approach changed.
71. [KUSZEWSKA \(2015b: 124\)](#).
72. [AHMAR \(2014: xix\)](#).
73. [AZIZ \(2015: 84\)](#).
74. [GUALTIERI \(2004: 135\)](#).
75. [KUSZEWSKA \(2015b: 121–127\)](#).
76. [JAN \(2019: 17\)](#).
77. [AZIZ \(2009: 57\)](#).
78. [HUSSAIN \(2007: 19\)](#).
79. [RIZVI \(2000: 208–10\)](#).

80. The initial purpose was to disempower Shī'a landlords in South Punjab. The organisation was banned by Pervez Musharraf in 2002 but thereafter reemerged. The SSP was accused of supporting *jihādists* from Jaish-e-Mohammad active in J&K and creating its own branch, Lashkar-e-Jhangvi, a violently anti-Shī'a terrorist group.
81. The data differs: some claim there were 137–147 *madāris*, others mention 245. [ESPOSITO \(2002: 23\)](#), [RAHMAN \(2016\)](#).
82. [COHEN \(2004: 181\)](#).
83. IQBAL–SIDDIQUI (2008: 23).
84. [AYAZ \(2013: 179\)](#).
85. [ALI \(2009: 3\)](#).
86. *Dawn* (2018-02-26).
87. [BURGESS \(2009: 53\)](#).
88. LIEVEN (2011: 69).
89. Killed by the CIA drone strike in 2009. The next TTP's emir, Hakimullah Mehsud, was also killed, in 2013. This fate was shared in 2018 by Fazal Hayat (known as Maulana Fazlullah), a militant formerly active in imposing strict sharia law in Swat Valley in 2007, later engaged in TTP-conducted tragic massacre in the Army Public School in Peshawar on 16 December 2014, with 156 killed, mostly children. As of 2021, Noor Wali Mehsud (designated in 2019 as global terrorist by the United States) leads the TTP, which managed to reorganise itself and overcome internal rivalries.
90. The appalling process of radicalisation unstopped by the siege on Red Mosque and the heart-wrenching helplessness of progressive forces in Pakistan is portrayed in the documentary *Among the Believers*, directed by Hemal TRIVEDI and Mohammed Ali NAQUI (2015). The seemingly unsolvable crisis with Aziz continued in 2020, when he gathered and incited hundreds of people at the Red Mosque, disobeying a ban imposed to prevent the spread of the coronavirus.
91. Its leadership was designated as terrorist by the US Department of the Treasury and State Department in April 2018. [US Department of the Treasury \(2018\)](#).
92. NA 120.
93. Quotations taken from the textbook by [ZAIDI \(2013: 43\)](#).
94. [HORSBURGH \(2012: 27–28, 85, 87\)](#). More on Pakistani textbooks: [BALCEROWICZ–KUSZEWSKA \(2022b\)](#).
95. CHOUDHARY–AZAM (2017: 4,9,114).
96. Social media serve also as a connectivity platform. In a bit to transgress politically imposed borders and prejudices, the India Pakistan Heritage Club Facebook group engages people from both countries: they can discuss the history in an unbiased way or share photos to enable people across the border to see their ancestral towns, houses, etc., which they left during partition.
97. [CONSTABLE \(2011\)](#).
98. [QADEER \(2011: 214\)](#).
99. A conversation with students in Peshawar, December 2018.
100. Due to potential unwillingness to openly share thoughts with strangers, who conduct a public opinion poll, it may be assumed that some surveyed Pakistanis, who experience the dreadful results of radicalisation, answered what they thought they should reply, not what they really thought. The actual support for strict sharia law in Pakistan may, therefore, be lower.
101. [PEW \(2013: 42–59\)](#).
102. Sayyid 'Abdallāh Shāh Qādrī, Bābā Bulle Shāh, Farīduddin Ganjshakar (Bābā Farīd), Lāl Shāhbāz Qalandar.
103. [BOIVIN \(2015: 5\)](#).

104. Hussain Ahmad KHAN (2014: 34–35) discusses the phenomenon of neo-Şūfīsm by referring to violent inclinations among the 19th-century Şūfīs in Punjab, who considered themselves torchbearers of religious purification and morality, and contributed to shape Indian Muslims' separatist identity against the non-Muslims.
105. In 2019, the French Ambassador declared to increase annual development assistance from €150 to €500 million per year.
106. HILALI (2011: 200).
107. CHAKMA (2006: 121–127).
108. SIDDIQA (2020) appositely argued, 'From minor to major, all political parties in Pakistan were either created with the military's help or are infested with their moles. Those with no links to the Pakistani military cannot grow beyond a point'.
109. PTI MANIFESTO (2013: 7–9).
110. PTI MANIFESTO (2018: 54–55).
111. TEPPERMAN (2020).
112. FAIR (2014: 72–86).
113. PML-N (2013: 82), CIP (2020) as of mid-2020, the official PML-N website (www.pmln.org) was not available.
114. PPPM (2013: 74).
115. PPPM (2018: 58).
116. PPPM (2018: 43).
117. PPPM (2018: 43).
118. The other being Jamīyat Ulemā-e-Islām (JUI).
119. BEHERA (2006: 154).
120. JEI-P (2013: 11).
121. ANP (2018).
122. SIDDIQA (2017: 293).
123. COHEN (2004: 6).
124. HAQQANI (2018a).
125. Unfortunately, some South Asia experts from the West regularly fall prey to this rivalry and in their presentations, which are supposed to be neutral and academic, they present maps with either side of Kashmir depicted as 'occupied' not 'administered' or 'held', without providing clear information that they show India's or Pakistan's narrative.
126. The 29th edition of the HRCP's report, assessing Pakistan's major human rights problems in 2017, was dedicated to the memory of Asma Jahangir, the distinguished lawyer and human rights activist who was the moving spirit behind the formation of the HRCP in 1986. HRCP (2018: 4).
127. The interview with Asma Jahangir, awarded with the Pro Dignitate Humana Award by the Polish Foreign Ministry, Warsaw, 29 January 2014.
128. JAHANGIR (2016).
129. Closed after February 2019 Pulwama attack in IaJK.
130. In a well-researched piece of investigative journalism, published in *Herald*, Pakistan's prominent monthly magazine, the authors convincingly argue that the military establishment stood behind the murder. ALI-ZAMAN (2015). The Karachi-based *Herald*, which once angered Zia ul-Haq, who did not tolerate in-depth, courageous reporting, sadly stopped its publication in 2019, largely due to growing state-imposed censorship.
131. AFAD (2017).
132. More on conflict in Balochistan: SIDDIQI (2015: 64–71).
133. RSF (2020-02-06).
134. India signed the convention but did not ratify it.
135. SULEMAN (2019).
136. HRCP (2018, 2019: 331).
137. CARTER (2020).

10 Azad Jammu and Kashmir and Gilgit-Baltistan in Pakistan's policy

Agnieszka Kuszewska

Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB), strategically situated and regarded as key pillars of Pakistani statehood pieces of Pakistani-administered Jammu and Kashmir (PaJK), are at the same time persistently deprived of full constitutional rights and lack legal status equal to the Pakistani provinces, which is tantamount to the state-approved system of political exclusion.¹ The Islamabad-based federal Ministry of Kashmir Affairs and Gilgit-Baltistan (KAGB; previously Ministry of Kashmir Affairs and Northern Areas [NA], renamed in 2009) exercises political power over both of them. The whole array of policies introduced by the federal authorities is aimed at sustaining strict control over the region's resources as well as socio-political rights and liberties of local people, which exacerbates the structural marginalisation of GB and AJK. Markedly, in 2020, the Pakistan Movement for Justice-led (PTI) government took decisive steps to commence the procedure of granting GB provincial status, which (along with India's policies of Jammu and Kashmir [J&K]'s unilateral bifurcation) is likely to result in the territorial and legal dissolution of the former Princely State of Jammu and Kashmir (PSJ&K).

10.1 AJK as geostrategic and political construct

The AJK consists of ten districts: Hattian Bala, Bagh, Bhimber, Haveli, Kotli, Mirpur, Muzaffarabad, Neelum, Poonch and Sudhnoti.² The area of 13,297 sq. km is inhabited by approximately 4.5 million people and shares borders with the provinces of Punjab and Khyber Pakhtunkhwa to the south and west respectively, and with the LoC, an unsettled military boundary between India and Pakistan, to the east. In Pakistan, it is commonly referred to as Azad Kashmir where '*āzād*' means 'free' or 'liberated', first from the Hindu Dogra regime, and then from India's looming control when Maharaja Hari Singh signed the Instrument of Accession of Kashmir to India in October 1947. At that time, the accession to Pakistan was largely supported by local Muslim population. The broadly disseminated narrative of purported freedom its inhabitants were granted while becoming an administrative part of Pakistan, is a key element of Pakistan's domestic

and international strategy. The AJK was established on 24 October 1947 by pro-Pakistani fighters, who regarded their administration as representative for the entire PSJ&K (it later contributed to Pakistan-imposed political separation of AJK and the Northern Areas). Until the ceasefire of 1 January 1949, their army, supported by Pakistani forces, fought to merge J&K to Pakistan (SNEDDEN 2015: 209). Notably, the power of the Ministry of Kashmir Affairs (MKA, established in 1949 to enable Pakistan's direct involvement in the region's administration) was gradually strengthened already in the 1950s, which triggered the popular movement demanding, *inter alia*, autonomy and political empowerment. In 1955, massive protests referred to as the Poonch uprising, erupted after the dismissal of Sardar³ Ibrahim Khan's⁴ government (the first AJK president from All Jammu and Kashmir Muslim Conference). The revolt was ferociously suppressed by the Punjab Constabulary and Pakistani army.

Pakistan has never granted *de jure* (legal) recognition to AJK; it has only approved its *de facto* (actual) existence.⁵ The political and military establishment has either directly ruled or implicitly influenced the situation in the region which is sociopolitically, strategically and economically strictly controlled by the centre. AJK's development in various areas, from health care to tourism or road construction, is financially dependent on the national government.⁶ The units of Pakistani army are deployed in the region with officers hailing from the Pakistani establishment, making AJK a military outpost of Pakistan.⁷ In 1970, when Pakistani military regime was gravely challenged by the East Bengal freedom movement, in AJK the situation substantially improved. The AJK Government Act largely empowered local authorities: the Legislative Assembly of AJK (it did not need to seek approval of MKA to implement new laws) and the president. Free elections were held in October 1970. This political self-governance was again curtailed by Zulfikar Ali Bhutto four years later; it can be assumed that after the lost war with India he tried to strengthen Pakistan's position in AJK. The parliamentary system functions in AJK under the 1974 AJK Interim Constitution (AJKIC 1974). It upgraded the position of MKA and established the AJK Council (markedly, not accountable to AJK's judiciary), with Pakistan's prime minister as its chairperson. Thus, the local administration powers were substantially reduced. The 'interim' was added to emphasise the unresolved character of the Kashmir dispute with India and the fact that Pakistan never accepted the LoC as the *de jure* international border⁸; it enables to construct the AJK politically and geostrategically within the discourse of the 'unfinished business of partition', awaiting for the region's reconnection with Indian chunk of Kashmir, under Pakistani administration. The unsettled situation is highlighted in the preamble stating that the 'future status of Kashmir is yet to be determined under the auspices of the United Nations through free and fair plebiscite'. The preamble further emphasises that freedom prevails only on the Pakistani side, where the former PSJ&K 'known for the time being as Azad Jammu and Kashmir is

already liberated by the people'. Section 3 declares Islam as 'state religion', the president and prime minister have to be Muslims. At the same time, the paucity of democratic norms prevails. For instance, the employment opportunities for the indigenous residents of AJK are strictly limited in certain sectors and depend on their full cooperation with the federal government. They are prevented from getting any government jobs or contest elections unless they take the loyalty oath, which corroborates the two-nation theory and Pakistan's ideology that Kashmir will belong to Pakistan. For example, the oath of office for the president, prime minister and all legislators of AJK urges them 'to be loyal to the country and the cause of accession of the state of Jammu and Kashmir to Pakistan'.⁹ The AJK's dependence on Islamabad has its purpose in governance strategy to have obedient policy-makers in Pakistan-administered Jammu and Kashmir (PaJK): those who do not swear allegiance to Pakistan's stance on Kashmir issue are automatically disqualified as electoral candidates.¹⁰ Any local office worker, etc., is also forbidden to engage in the activities that would question the two nation theory-based ideology of Pakistan, which practically forces them to maintain absolute loyalty to the Pakistani central establishment and its policies.¹¹ A compulsory display of loyalty is also indispensable for one to be entitled to hold the power at the local level. Under Section 4(7)(2) of this Act, 'No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan'.¹² In this way, it denies democratic rights, including the freedom of expression and plurality of political views endorsed by democratic constitutions across the world. Notably, the Constitution of the Islamic Republic of Pakistan also pledges in its Preamble to guarantee fundamental rights, including 'economic and political justice, freedom of thought, expression, belief, faith, worship and association'.¹³ Some regulations included in the AJKIC stand in contradiction to the principles declared by the Constitution of Pakistan¹⁴ as they exclude selected parties and individuals from participation in the political process and curtail basic democratic freedoms, including freedom of speech.

It is worth noting that since the 1950s, a pro-independence movement was active in both parts of divided Kashmir. One of its key leaders was Abdul Khaliq Ansari from Mirpur who later became the president of the Plebiscite Front¹⁵ unit in PaJK, actively promoting the independence resolution for the whole former PSJ&K. Ansari warned against permanent settlement of the Kashmir issue by occupying countries (India and Pakistan), claiming that it would bring dismal future for the disputed region and its inhabitants. Numerously incarcerated and referred to as one of fathers of independent Kashmir by Kashmiri nationalists, who reject the *Kaśmīr banegā Pākistān* ('Kashmir will be [a part] of Pakistan') slogan, Ansari also led a campaign against the forced construction of the Mangla Dam (*vide infra*, §10.2). In 1965, when India and Pakistan fought the second war over Kashmir, cross

border activism in Kashmir was intensified, with the unification of several political movements into the Plebiscite Front (it included Ansari, Maqbool Bhat from the Valley, Amanullah Khan from Astore in GB). The strong pro-independence inclinations among Mirpuris in AJK question the one-sided narrative on ‘liberated’ Kashmir and were always dealt with an iron first by Pakistani establishment. As nationalist parties are formally denied the right to contest elections, it is thus virtually impossible to estimate the extent to which their position on the future status of Kashmir can rely on popular backing.

The allegiance to the official rhetoric is non-negotiable: when the local authorities do not act with sufficient loyalty to the federal government, Section 56 of the Act 1974 empowers the Government of Pakistan to ‘taking such action as it may consider necessary’, including the dismissal of a duly elected assembly and government in AJK.¹⁶ Formally, the region operates as a limited parliamentary democracy, in accordance with the AJK Constitution. It has a semi-autonomous government but its residents are not represented in the National Assembly of Pakistan. Markedly, in 2018, the 13th Constitutional Amendment to the AJK Constitution devolved the financial, legislative and administrative powers from the Kashmir Council to the AJK Assembly and the government. It was regarded as a positive step in AJK, a long-awaited political empowerment. The Amendment made it the constitutional responsibility of the Election Commission of AJK to hold elections for local bodies.¹⁷ They were scheduled for 2021 (the last elections were held in 1991). On 19 June 2020, the AJK Government sent for approval to the AJK Assembly a draft of the AJKIC (14th Amendment) Act, 2020. The reception of the document was very critical among many AJK’s inhabitants.¹⁸

Chitrlekha ZUTSHI (2003: 329–330) argued in the first decade of the 21st century, that the inhabitants of AJK are denied basic freedoms and the region has been under military control since 1948, therefore the name, ‘free’ is a misnomer. In stark contrast to the AJK’s reality, in the international arena, Pakistani leaders repeatedly affirm that the problem of curbed political freedoms and human rights violations does not concern AJK. The strong emphasis of the Pakistani authorities on the freedom which the residents of AJK allegedly enjoy speaks volumes of how much effort Pakistan makes to depict this region as democratically governed and its people as free from any oppression. To some extent, this strategy seems successful. In general, as compared to the Kashmir Valley, AJK has not attracted much attention from experts, analysts and scholars, both internally (due to centre’s pressure) and internationally (due to lack of awareness¹⁹). The Lahore-based Human Rights Commission of Pakistan (HRCP), as of 2020 chaired by an internationally acclaimed lawyer and HR defender, Hina Jilani,²⁰ annually compiles reports from all regions of Pakistan, even the strategically fragile, such as Balochistan or GB. Yet, it typically omitted AJK. The important separate report of the HRCP fact-finding mission concerning AJK and its judicial

crisis was published in April–May 2010, with the conclusion that the autonomy is denied in AJK and people are deprived of civil society activism.²¹ The Commission organises events aimed at enhancing citizens' awareness about their rights and freedoms. For example, in 2015, there were 288 such activities across Pakistan.²² Most of them were held in cities or towns in Punjab, Sindh, Balochistan or Khyber Pakhtunkhwa provinces. Only one 'workshop on upholding humanitarian values to counter extremism' was organised in AJK; it was a cyclical event also held in other cities of Pakistan. In GB, the situation was slightly better, with few panels organised in Gilgit. In 2017, no seminar or fact-finding mission was organised with reference to AJK. A few debates were held in Gilgit, including 'the state of human rights in GB and the role of civil society in the protection of human rights', organised on 6 February in cooperation with the GB Thinkers Forum.²³ The HRCP's activities in 2018 again included 'peaceful means of activism, including demonstrations, rallies, consultations, campaigns, training workshops'.²⁴ Notably, for the first time, the Commission's 2019 report referred to the situation in each administrative units of Pakistan, with separate chapters devoted to AJK and GB. It highlighted the restricted access to AJK, which has no designated human rights groups or individuals to monitor violations or abuses and corroborated numerous human rights (HR) violations, including suppression of protests.²⁵

Article 10 of the Constitution of Pakistan contains safeguards in case of arrest or detention, but at the same time, its Clauses 3–9 guarantee impunity to the security forces if they arrest anyone who is 'acting in a manner prejudicial to the integrity, security or defence of Pakistan'.²⁶ The activists are forcefully disappeared, detained and tortured, some are even extrajudicially killed and the perpetrators of these crimes are typically not brought to justice. Such was the case of Arif Shahid, a Kashmiri nationalist who was killed on 13 May 2013 in Rawalpindi. He was a politician and activist from AJK, a chairman of the All Parties National Alliance (APNA) and president of the Jammu Kashmir National Liberation Conference (JKNLC), engaged in uniting different fractions of Kashmiri activists from both sides of the border.²⁷ His fellow activists blamed the state's security agencies (the ISI) for his assassination.²⁸ He was a proponent of Kashmiri independence and worked for the unification of the nationalist movements of AJK and GB, which was strongly against the interest of Pakistan's establishment. He wrote expressively, 'Pakistan has been sucking blood from the veins of [the] Kashmiri nation in the name of advocacy... Now it is time for Pakistan to give up deceiving the people of Kashmir and show its sincerity for Kashmiris, recognize the so-called AK (Azad Kashmir—AK) government as an independent government, restore the basic human rights of the people of Gilgit-Baltistan and give them representation in [the] Azad Kashmir Assembly or self-rule'. [...] When [the] Soviet[s] went back, the fascists and Jihadi forces turned towards Kashmir, because they had nothing left to do in Afghanistan,

so they intruded in Kashmir with the help of [the] Pakistan army and hijacked the national liberation movement of Kashmiri people'.²⁹

As indicated above, the activities of independent HR organisations, including the HRCP, aimed at monitoring violations of human rights or raising awareness of these issues, are limited in PaJK. Meanwhile, with its strong emphasis on HR violations on the Indian side, Pakistan aims at convincing the international community that the part of Kashmir under its administration does not contend with such problems. Yet, in AJK, political freedom and pluralism practically do not exist; any dissent is crushed and the establishment prohibits propagating pro-democratic, let alone nationalist claims, by suppressing their advocates. For Pakistani decision makers, it is of the utmost importance not to give the coverage of problems, which could provide international community (especially India) an opportunity to publicly criticise the situation in PaJK. There are limited activities undertaken in AJK which support the idea of empowerment, self-determination, democratic equality or endeavours that would address human rights problems and local communities' grievances. In this regard, pro-democratic, peaceful activities of People's Assembly in AJK deserve mentioning.³⁰ Its leader, Tanveer Ahmed, a distinguished human rights activist, researcher and journalist, conducted a detailed survey in AJK in 2017, where 97% of the respondents declared support for 'the integrity of the State of Jammu and Kashmir (84,471 sq. m) as it stood up to October 1947'. This valuable report provides a precious glimpse into the way Azad Kashmiris view themselves: 73% consider themselves as Kashmiris (27% as Pakistani and 0% as Indian), 80% are critical or highly critical of the constitutional and administrative structure of AJK and 98% advocate equality-based governance under a citizen-state contract.³¹ These findings largely contradict Pakistan's official narrative vis-à-vis AJK of a purported support of its residents for Pakistani policies. It is of no surprise, therefore, that the author of the survey is regarded with hostility by the establishment. On his blog, he claims being kidnapped by Pakistan's army/ clandestine agencies and held in detention.³² Tanveer Ahmed was extrajudicially arrested on 21 August 2020 and tortured by security agencies after he removed Pakistani flag from the Maqbool Bhat square in the town of Dadyal (as of March 2021 he remained in detention).

Human rights activists from AJK admit that they are disenchanted with local politicians and blame them for sacrificing the needs of Kashmiri people for the sake of personal promotions and privileges, for making accommodations with the federal government and the military and for being unable or unwilling to tackle political and economic problems (frequent load-shedding despite the hydroelectric potential of AJK).³³ Pakistani leaders are accused of looting resources and showing interests vis-à-vis AJK and its problems only as long as they are in the opposition. Once they get closer to power, they start to gratify the wishes of the establishment. The local parties are said to be weak, dominated by the mainstream Pakistani political parties. The absence of more active civil society structures has deteriorated

the situation even further. The one to blame is again the federal government, because it is the central authorities' aim to attenuate and hamper the development of civil society, compromise the integrity of local leaders and finally eradicate the equality-oriented, pro-democratic aspirations. All political activities at the local level are strictly controlled by the military establishment and the central government, the family contacts along the LoC were practically non-existent even before the coronavirus pandemic erupted in early 2020. Azad Kashmiris, including local politicians, are incessantly obliged to advocate the Deep-State-imposed discourse regarding the future of Kashmir and India's policies.

Sardar Muhammad Abdul Qayyum Khan, who had earned the title *Mujahid-e-Awwal* (the first holy warrior, *Mujāhid-e-'Awwal*), as it was believed that he had fired the first bullet during the 1947 war, which established AJK,³⁴ served as the President and Prime Minister of AJK and was the leader of the AJK Muslim Conference for over 20 years. He passed away in July 2015 at the age of 91. Sardar Qayyum is said to have helped Pakistan's Prime Minister Zulfikar Ali Bhutto to frame the 1974 Provisional Constitution that strengthened Islamabad's hold over PaJK.³⁵ Feeling pressure from the federal authorities, he supported the slogan *Kaśmīr banegā Pākistān* ('Kashmir will be [a part] of Pakistan'), propagated by Pakistani decision makers and their proxies. In contrast, the Jammu Kashmir Liberation Front (JKLF) promoted the slogan *Kaśmīr banegā khudmukhtār* ('Kashmir will be sovereign').³⁶ The motto which Qayyum advocated is rejected by those Kashmiri nationalists (for example from the APNA), who consider themselves followers of a secular ideology. They denied Qayyum's credibility by accusing him of a long-term army/ISI patronage, which kept him in power. Qayyum was allied with the Islamic Democratic Alliance (IJI), a right-wing coalition of Islamist and pro-military parties, which was established on the eve of the 1988 parliamentary elections under the auspices of the ISI. Its aim was to oppose the PPP's government (Benazir Bhutto was expected to win the elections) and later to prevent it from interfering in Afghanistan, Kashmir and nuclear policies.³⁷

Abdul Qayyum acted as an exponent of the military's interests to disrupt a potential de-escalation of the Kashmir conflict, when in December 1988, the Indian Prime Minister Rajiv Gandhi visited Islamabad. The Gandhi-Bhutto talks were widely described as a chance to mark a new era in Indo-Pakistani relations. Prior to this meeting, Qayyum, as President of AJK, announced that he wanted to organise a demonstration against 'Indian occupation in Kashmir'. A government refusal could have sparked accusations by the IJI that Bhutto was too submissive and too soft on India (such finger-pointing tactics have become a traditional means for the military to apply pressure to undermine civilian politicians whenever they try to initiate any detente with India). The demonstration took place far from the venue of the summit talks, but the IJI nevertheless used the opportunity to reprimand Benazir Bhutto for seeking cooperation with India.³⁸ Notably, in the early 1990s, the former

COAS, General Mirza Aslam Beg, and the then DG ISI, Asad Durrani, were entangled in the Mehrangate (Mehran bank scandal), which involved senior officers of the Pakistani Army and the ISI in bribing politicians with money from taxpayers' funds with the aim to navigate political process in Pakistan, undermining the position of the PPP and Benazir Bhutto. The army was apprehensive of Bhutto's potentially peacemaking-oriented policy towards India and labelled her a 'security risk' to the national interests.

Kashmiris on both sides of the LoC experience the cross-border shelling, which is the multidimensionally affecting fallout of the conflict between India and Pakistan. Approximately 600,000 people live in the 5-km area along the LoC, with almost 100,000 of them very close to the military posts.³⁹ Whenever tensions rise, those residents are tragically exposed to all the consequences of living in the escalation-prone conflict zone. The access to these areas by independent media and researchers is largely restricted, so available data come mostly from official sources, in AJK from the HRCP or some local activists. In the last decades, cross-border skirmishes became the inhabitants' common reality, which yearly costs the lives of dozens of people and results in destroyed properties. The shelling also brings economic loss (limited number of tourists in AJK discouraged by the tensions whenever they escalate) and enhanced unemployment. The State Disaster Management Authority (SDMA) AJK, local agency which was established by Pakistani government to act as leading institution in disaster management (AJK is highly prone to earthquakes, torrential rain/flood, landslides and avalanches, which have increased due to climate change), provided district-wise data regarding the consequences of shelling.

As Table 10.1 shows, in 2017 alone, 46 people were killed and 262 injured in AJK, 3 houses were fully damaged and 46 partially. According to HRCP, in 2019, after relatively calm 2018, heavy mortar and antitank missiles created havoc, particularly in the Kotli district and Neelum Valley. A total of 59 people were killed, 259 injured in several districts and 717 houses and 83 shops were damaged.⁴⁰

10.2 Vanishing heritage and migration

The historically-rooted strategic significance and fragile socio-political situation of the AJK have directly shaped its internal dynamics. The multicultural and multireligious heritage of the AJK is largely neglected by the federal authorities and even wiped out of the region's history. Some historical sites, such as Hindu *mandirs*, monasteries, tombs or graveyards, have already vanished and many others have endured a gradual process of decay.⁴¹ The forts of Mangla, Ramkot and Haripur, to name just a few reminders of the region's rich history, inexorably disappear and not enough institutional effort is made to preserve these architectural jewels. The state policy of neglecting the historical, multicultural value of AJK is accompanied by the centralised control over the region's resources.

Table 10.1 Damages caused in AJK by the LoC shelling in 2017

<i>District</i>	<i>Killed people</i>		<i>Injured people</i>		<i>House damaged partially</i>	<i>House damaged fully</i>	<i>Others</i>	<i>Cattle head perished</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>				
Neelum	—	—	1	—	—	—	—	—
Muzaffarabad	—	—	—	—	—	—	—	—
Jhelum Valley	1	2	11	4	16	2	2 Primary schools damaged	—
Bagh	—	—	—	—	—	—	—	—
Poonch	9	7	31	30	5	—	2 Vehicles damaged	—
Haveli	6	2	22	10	19	1	—	4
Sudhanoti	—	—	—	—	—	—	—	—
Kotli	10	6	56	53	—	—	—	—
Bhimber	1	2	27	17	6	—	—	5
Mirpur	—	—	—	—	—	—	—	—
Total (male, female)	27	19	148	114				
Total	46		262		46	3		9

Source: Data compiled from State Disaster Management Authority, SDMA (2017).

PaJK is economically and financially not self-sufficient and substantially relies on Pakistan, even though it has one of the most precious resources: water. Pakistan's high demand for irrigation and generating electricity resulted in constructing dams in the region; such projects were typically implemented arbitrarily without the approval of local authorities and activists. The construction of Mangla Dam on Jhelum River in AJK in the 1960s, has displaced around 100,000 people and flooded the old city of Mirpur, which became the dam's reservoir.⁴² Huge sections of precious historical heritage submerged irretrievably. In 1967, the old Mirpur city was evacuated due to the construction of the dam; rising water levels affected more than 100 villages. The power generated by Mangla Dam is beneficial for Pakistan (mostly for the Punjabis) and has not provided Kashmiris with the expected economic development or employment opportunities. According to [Martin SÖKEFELD \(2016: 184\)](#), Mangla Dam (and Diamer-Bhasha Dam on the Indus, constructed partly in Diamer District of GB) illustrates marginal status of PaJK in Pakistan: the reservoir extends beyond Pakistani territory, into AJK, yet the dams and powerhouses are situated just on the border. The resources generated are beyond the reach of the local population that suffers enforced displacement without adequate compensation. [Christopher SNEDDEN \(2012: 180–181\)](#) cites Azad Kashmiris claiming that if AJK received all revenues from sales of hydroelectricity generated by the Mangla Dam, the region would be 'more economically viable and possibly not dependent financially on Pakistan at all'. Since 2004, Azad Kashmiris have received some payment through the 'Mangla Dam Royalty'.⁴³

The residents of AJK regard such projects with apprehensions, especially when they are accompanied by greater Chinese presence under the banner of the China-Pakistan Economic Corridor (CPEC) (*vide infra*, §10.6). In 2018–2020, the protests were erupting in the AJK's capital city, Muzaffarabad, and other cities, against agreement between Islamabad and Beijing for the construction of dams on Neelum/Jhelum rivers (tributaries of Indus) by Chinese state-owned Three Gorges Corporation. The Kohala Hydroelectric Power Project, 40 km from Muzaffarabad, is part of the CPEC, planned for opening in December 2025.⁴⁴

Pakistani decision makers supported migration from AJK, with the aim of minimising the risk of potential escalation of nationalistic attitudes and local grievances against the federal government (the displaced people typically did not receive any relief or the alternative land in Punjab which had been promised to them).⁴⁵ Notably, migratory movements from Kashmir to Europe had already existed before Pakistan was established in 1947, but it was in the 1960s when a noteworthy portion of the AJK population moved abroad. Their major destination was the United Kingdom, which at that time absorbed many of them as providers of cheap labour. It is the UK Kashmiri diaspora, which merged the Plebiscite Front and its more radical wing, National Liberation Front, to set up the JKLF in mid-1970s, in Birmingham. Today, Azad Kashmiris constitute a significant diaspora: up

to 70% of British Pakistanis are of AJK origin, primarily from the Mirpur and Kotli districts.⁴⁶ Approximately one million Mirpuris are settled in the United Kingdom.⁴⁷ They provide noteworthy foreign exchange remittances to Pakistan, but the AJK Government does not have direct access to these funds. Nonetheless, the money which started to flow to relatives back in Pakistan enabled the funding of family businesses, improved the standard of living and fostered the modernisation of new Mirpur, which earned its new name ‘little England’ or ‘mini-England’. It is worth highlighting that many residents of the Mirpur district are not aboriginal—they came from adjacent areas of Punjab. This substantial influx of Punjabi migrants was endorsed by the central authorities with a strategic aim: demographic change could enable exercising better control over this chunk of PaJK.

10.3 AJK and the proxy war in Kashmir

For relying on violent proxies in cross-border operations in Afghanistan (one of the pillars of the ‘strategic depth’ policy⁴⁸) and IaJK, Pakistan earned the international image of the country which actively sponsors terrorism and *jihādism*.⁴⁹ The AJK adjacent to the IaJK was used to train the Islamic militants, the key elements of the proxy strategy by the Pakistani army/ISI conglomerate. The intelligence agency has inglorious heritage of creating the cadres of well-trained and ideologically motivated Sunnī *jihādists*, used in precipitating anti-Indian insurgency in the Valley. [Husain HAQQANI \(2016: 303–304\)](#), Pakistani ambassador to the United States (2008–2011) and advisor to Benazir Bhutto, quotes certain ISI officials who admitted that in 1984, on General Zia ul-Haq’s orders, the intelligence agency prepared the plan for Kashmir. The aim was to train a group of leaders who could, within a few years, incite young Kashmiris to rebel against Indian rule and precipitate an insurgency in IaJK. Regular meetings were held during the 1980s on one hand between the ISI officials, and on the other, between the members of J&K Jamaat-e-Islami and the secular movement JKLF.⁵⁰ Along with the rigged state elections in J&K in 1987, this was one of the factors contributing to a subsequent eruption of protests and a gradual Islamisation of the Kashmiri secessionist movement in India. In 1989, a full-blown insurgency in the Kashmir Valley commenced and the people embraced the slogan of freedom (*āzādī*). It also escalated the sectarian violence against the Hindu Pandit community, which forced them to take refuge mostly in Jammu region and New Delhi.

Pakistan sturdily rejected accusations of supporting radical militants and using AJK for terrorist camps, yet in 2009, General Musharraf acknowledged what had been obvious to many observers and analysts⁵¹: that Pakistan provided safe heavens to these proxies, and the support for Kashmiri Muslims in India went far beyond ‘moral and political’. Interestingly, when Nawaz Sharif, shortly after being ousted, admitted in May 2018 interview to the prestigious *Dawn* daily newspaper that these connections existed and that

Pakistani terrorists carried out the Mumbai attack in 2008,⁵² he was widely criticised, the journalists were subjected to intimidation and the newspaper's circulation was limited under pressure from the military establishment.

The training camps for the militants who were crossing the LoC were operating in AJK even when the *jihādists* groups (Lashkar-e-Taiba, Army of the Pure, LeT, Jaish-e-Mohammad, the Army of Muhammad, JeM) were formally banned by General Pervez Musharraf in 2002, under the American pressure. Then the ISI came up with a new tactic—as David DEVADAS (2019: 446) puts it, 'repackaged discredited groups with the new names' to allow them to pursue their goals. It should also be emphasised that a bit earlier, in 1999, during the high-altitude Kargil incursion and a war with India, planned and conducted secretly by General Musharraf and his trusted generals, the LeT-army collaboration proved how crucial such actors are for the generals. Pakistan tried to convince the international community, that it was the militant conducted operation, not by its paramilitary troops from the Northern Light Infantry. Christine FAIR (2018b: 39–41) accentuates how LeT⁵³ was promoting its alleged participation in Kargil to convince public opinion that the army was not involved.

During the earthquake in October 2005, which killed more than 87,000 people in AJK, LeT (functioning under the name of the charity organisation Jamaat-ud-Dawa, JuD) was one of the first organisations which provided aid and medical assistance to the victims by using its training camp infrastructure. It enhanced the popularity of these groups among some local Kashmiris and exposed the weakness of the state, its institutions and the ineffectiveness of the army-led authoritarian rule. The government's response was poorly executed and ill-planned.⁵⁴ The fact that the militants were the first to react and help was another appalling result of the long-term patronage of the Sunnī *jihādists* by the establishment. It revealed a dangerous phenomenon when an extremist organisation, such as JuD, acted as a substitute for state institutions, which should be responsible for providing aid but were incapable of doing so.

Following the September 2016 Uri (in Baramulla district) attacks against the Indian army (17 soldiers killed), orchestrated by JeM, India conducted retaliatory ('surgical') strikes against what New Delhi referred to as the militants' shelters across the LoC, traditionally accusing Pakistan of unabated support for the terrorist groups and infiltration attempts. After the attacks against the CRPF carried out in Pulwama on 14 February 2019, the Indian Air Force crossed the LoC claiming to have hit the alleged JeM training camp in Balakot. With Pakistan's retaliation, the relations again, escalated.

10.4 Gilgit-Baltistan in Pakistan's policy

GB (till 2009 NA), the northernmost area of Pakistan, has a unique position on the historical and cultural map of the world. Its natural beauty, including spectacular mountain ranges, peaks, glacial terrains and fruit orchards, as

well as ethnic diversity and remarkable prevalence of multilingualism existing in close proximity, has fascinated researchers and tourists.⁵⁵ The region covers 72,496 sq. km and it consisted of seven districts: Astore, Baltistan, Diamir, Ghanche, Ghizer, Gilgit and Hunza Nagar, further divided into tehsils (subdivisions of a district),⁵⁶ yet after 2015 their number rose (for example Kharmang, Shigar, Darel, Tangir were carved out, Hunza Nagar was bifurcated). The Indus River, crucial for Pakistani agriculture, receives approximately 72% of its annual flow from the rivers in GB.⁵⁷ It is the only region in Pakistan with a Shī'a majority with significant numbers of Ismā'īlīs (i.e. adherents of Ismā'īlīsm, a branch of Shī'ism) and Nūrbakshshīs (i.e. followers of the Nūrbakshshīya Sūfī order named after Sayyid Muḥammad Nūrbakshsh). According to the 1998 census, GB had 870,347 inhabitants, and as of 2017, it was estimated at around 930,000.⁵⁸

During colonial times, the Dogra regime made Baltistan a subdivision. In 1901, the Ladakh Wazarat (administration) was established, responsible for managing three tehsils: Skardu (in Baltistan, it was a summer capital), Leh (winter capital), and Kargil. Under British occupation and on the eve of partition, the region gained strategic significance of being the northern frontier of the colonial territory and the theatre of the imperial 'Great Game' rivalry with Russia. Following the partition, a military government in Gilgit was announced on 1 November 1947 when an anti-Dogra, pro-Pakistani rebellion erupted with the support of a British Major William Brown, the Commander of the Gilgit Scouts⁵⁹ and Muslim officers from the Maharaja Hari Singh's army. They overthrew Brigadier Ghansara Singh, the Maharaja-appointed Governor who administered the region, and hoisted Pakistani flag. Consequently, the region was converted into a territory administered by Pakistan when the representative of Pakistan took over as a political agent. After the UN-brokered ceasefire agreement in January 1949, the region was left under the control of Pakistan.⁶⁰ The traditional trade linkages between Gilgit and Srinagar were cut abruptly following the ceasefire agreement and division of Kashmir. Notably, the region was shortly governed by AJK, until 1949 Karachi Agreement, when the AJK government handed administration of the area to the federal government. The GB residents did not participate in the decision making process; until the mid-1970's, this political entity was directly governed by the central government, in the way which largely resembled colonial rule. In the early 1960s (Indus Valley Road) and later, in 1978, the linkages of GB with mainland Pakistan were upgraded when Karakoram Highway was opened. It facilitated the region's economic development in the 1990s.⁶¹

GB's legal status has never been definitively regulated by the Pakistani authorities, under a pretext of the unresolved Kashmir conflict with India. It directly affects the situation in the region, where the lack of political inclusion does not prevent the authorities from proliferating state-endorsed nationalism. Importantly, from the perspective of GB inhabitants, political recognition should be followed by the state-led inclusive approach towards

sectarian and environmental vulnerabilities. In 2009, the GB (Empowerment and Self-Governance) Order was promulgated by the federal government. It granted participatory political system and limited self-rule (albeit not equal to provincial status) to the people of GB, by creating, among other things, an elected GB Legislative Assembly and GB Council. The Governor was to be appointed by the President of Pakistan on the advice of the Prime Minister of Pakistan (Article 20, [part III](#) of the Order).⁶² The region was not provided representation in the National Assembly of Pakistan and all strategic decisions were taken at the federal level. The exclusion of GB inhabitants from federal representation and decision-making process turns GB into a 'hostage' territory of the Pakistani state, with its administration based on Pakistan's 'claim to the greater Kashmir region'⁶³. The GB Government Order 2018 unilaterally annulled the GB Council and gave more power to the centre, which was assessed as a step backwards by HR experts and some local leaders.⁶⁴ Pakistani state is regarded by some locals with suspicion, as an outside actor, imposing its own agenda. Notably, following the November 2020 GB assembly elections, won decisively by the PTI (with allegations of rigging claimed by the PPP and PML-N), Imran Khan established a committee to accelerate the process of granting provincial status to GB, a step vehemently criticised by India, although New Delhi pursues similar policies by unilaterally dissolving what remained of autonomous status of the erstwhile PSJ&K chunks.

Political and civil activism, although subjected to repressions, has not been fully eradicated in GB. Local grievances are articulated, for instance, by the Balawaristan National Front (BNF-Naji, founded by Nawaz Khan Naji, which demands greater autonomy within Pakistan⁶⁵), Progressive Youth Front, GB Democratic Alliance (GBDA), the GB National Alliance (GBNA) and the Karakoram National Movement (KNM). Their members feel dispossessed by Pakistani leadership and demand greater political agency (ALI 2019: 47, 169; BEHERA 2006: 203). Awami Action Committee, which includes local political leaders, organises sit-ins, protests to highlight the plight of arrested journalists, activists, the problem of land acquisition for the purpose of infrastructural projects, negative impact of dams and hydroelectric projects on the environment.

There are several factors which determine the key position of GB in Pakistan's foreign policy and domestic affairs. First, GB remains a core asset for Pakistan due to its geographic location as the northernmost administrative territory. It has borders with AJK, Khyber Pakhtunkhwa, the narrow Wakhan Corridor of Afghanistan, Xinjiang province of China and UTL (union territory of Ladakh). Second, it has notable resources of water as well as metals and minerals, such as copper, gold, silver, coal, iron and considerable reserves of uranium. Pakistan struggles with persistent shortage of electrical power, leading to long load-shedding throughout the country. Northern mountainous areas of Pakistan, such as GB, have an abundance of water resources (including glaciers), which can be used to produce power.

This further enhances strategic significance of the region. Third, it is the only territory administered by Pakistan with a Shī'a majority which in the eyes of establishment makes it a potential theatre of rebellion against majoritarian Sunnī nationalism. Fourth, it is the only gateway to China and a starting point of the CPEC in Pakistan. The two following subchapters briefly address these issues.

10.5 Sectarian challenges

According to BEHERA (2006: 194–195), Shī'a account for 60% of Gilgit's population and Sunnīs 40%. In Baltistan, the proportions are 96% Shī'a, 2% Nūrbakshshī and 2% Sunnīs. Astore has 10% Sunnī population, 90 % Shī'a. Chilas and Darel are entirely Sunnī, while Hunza is Ismā'īlī. Some of the districts of GB are therefore dominated by one sect,⁶⁶ which makes them relatively free from sectarian violence, which strongly affects the area of Gilgit where the sects are more evenly balanced.⁶⁷ Andreas RIECK (1995: 178) noted in mid-1990's: 'all Sunnis in Baltistan are either immigrants from other parts of Pakistan and Kashmir or—most of them—converts from the Nūrbakshshīya and their descendants, while conversion from Twelver Shi'a to Sunna is almost non-existent'. The indigenous Shī'a population of GB has been looked upon with distrust and suspicion by Pakistani establishment, especially since the 1970s. As ALI (2019: 9–10) argues, the intentionally crafted sectarian policies vis-à-vis GB are 'paradoxical yet not contradictory'; they combine buying loyalty of the locals by employing Gilgit-Baltistani men in the army, and creating suspicion, by portraying people as permanent sources of threat both for Pakistan and within GB, as they belong to potentially untrustworthy minority. The former aims at integrating locals into Pakistan and earning consent for state-led narratives, the latter endorses state power by emotionally disintegrating the region and obstructing regional political solidarity and resistance. Sectarianism, therefore, plays a key role in a suppressive divide-and-rule policy which upholds the state-led autocracy. The militarised rhetoric is justified as being an essential part of the security and counterterrorism campaign in a strategically crucial borderland, yet it mainly serves the interests of the centre.

The sectarian violence in NA gradually escalated in the 1970s and 1980s. In 1973, during the tenure of Prime Minister Zulfikar Ali Bhutto, the State Subject Rule was abolished in NA, paving the way to demographic changes. This law dated back to the British colonial era and recognised the inhabitants as subjects of the princely state, restricting the outsiders from purchasing the land there. Unfortunately, Bhutto's reforms did not empower the people in NA with full Pakistani citizenship, which would include the right to participate in Pakistani general elections.

Bhutto's decision, followed by General Zia ul-Haq regime that fostered sectarian tensions and economic exclusion of religious and ethnic minorities in Pakistan,⁶⁸ enabled the influx of the Sunnī Punjabis and

Pashtuns, mostly traders or businessmen, who were allowed to settle in GB. Due to these apparently deliberate policies of the federal authorities, aimed to modify religious and ethnic local demographics and disenfranchise the Shī'a sect, the percentage of Shī'a dropped from 80% in 1947 to about 55% in the early 2000s.⁶⁹

In the early 1970s, the first major sectarian clash occurred during the Shī'a procession (Ashura) of Muharram in Gilgit; thereafter, religious affiliation became a core element of local sociopolitical landscape and power politics. In GB, in particular, the regime of Zia led to the spread of social unrest, which in turn gave the military establishment a useful pretext to strengthen their intervention and control in the region. The presence of radical Sunnī militants used by the Pakistani regime during their proxy war further escalated sectarian tensions. The then strategic alliance of Zia's Pakistan with Ronald Reagan, who became the US President in 1981, was focused on the war in Afghanistan against the Soviets. The US-Pakistan cooperation was based on military and economic aid and the US non-interference in the domestic affairs of Zia's regime. The Americans decided to refrain from pressuring Pakistan on the issues of democracy and human rights.⁷⁰ This geopolitical dynamics along with mainstreaming of the radical version of Sunnī Islam had an additional impact on the situation in religiously fragile Northern Areas/Gilgit-Baltistan. In 1988, after 'Īd al-Fiṭr which marks the end of Ramadan, a massacre occurred with organised mob attacks against Shī'as' villages. Growing tensions, attacks on both sides and curfews continued throughout the 1990s.

The state-controlled influx of outsiders to GB gradually changed its demographic balance and created a sense of insecurity among the local people, who felt deprived of their cultural rights and resented the centre's control over their resources. Since the 1980s, the sectarian violence perpetrated by Sunnī extremists has surged dramatically and more people tend to perceive the situation through a sectarian lens. The imposition of Pakistani Sunnī-dominated ideology manifested itself in tensions over curricula and textbooks, which escalated in the early 2000s. The Shī'a community protested against discriminative imposition of Sunnī practices at schools and pro-Sunnī approach to history; both sects issued *fatwas* against each other. The Sunnīs were mobilised against any change in syllabi and organised anti-Shī'a demonstrations. The Shī'a students' hunger strike started in May 2004, followed by fights between Shī'a protestors in Gilgit (it spread to Baltistan) and attacks on the governmental institutions. Additional armed forces⁷¹ (paramilitary forces, including Punjab Rangers, and the regular army) were deployed. The agitation resulted in violent Shī'a-Sunnī clashes spreading into the villages. As a result, the army imposed a curfew, Section 144 of the Criminal Procedure Code (bans public gatherings, carrying firearms, using the loudspeakers) was introduced, schools were closed and Shī'a leaders arrested.⁷²

The exploitation of rich GB resources is substantially controlled by the stakeholders: central government and the military establishment. The region's inhabitants claim they are denied the revenues of their resources and the state institutions are used to marginalise the Shī'a community. People regularly protest against what they perceive as unjust treatment, express their grievances and complain that the real owners of the land have nothing to say in their own homeland. Nationalist leaders and popular human rights activists, who organise protests and mobilise support for political empowerment, are charged under Pakistan's Anti-Terrorism Act and other legal instruments. During the sit-ins demanding compensation for locals affected by massive landslide, which had buried the high mountain village of Attabad in 2010, Hunza police killed two participants. It sparked widespread protests; Baba Jan (a popular local leader of the left-wing Awami Workers Party) and other activists were arrested under the Anti-Terrorism Act in 2011 and sentenced for many years in prison under charges of terrorism. Having spent 9 years in prison, he was released in November 2020 and welcomed by the crowd of supporters. Notably, Baba Jan supports all political efforts against the suppression of people's rights in all former PSJ&K. He emphasised, 'Our struggle should be against the country which has its big boot on our neck. [...] It is our priority to remove that big boot from [the] neck [so] that we can breathe'.⁷³ His activities and popularity amongst local people turned out to be a threat to the Pakistani authorities and their control over GB. The underlying reason for his incarceration was to disqualify him from contesting elections to the local legislative assembly and ban him from social activities.

The vulnerable mountain communities in GB are additionally affected by climate-induced challenges, such as fast melting Himalayan glaciers, which intensify natural disasters such as floods and landslides, leading to destruction of crops, properties and human lives. There is also an immense hydro-power potential in the region, which transgresses the artificially created borders, yet the weakness of water governance system, viewing Kashmir by Indian and Pakistani establishments as a disputed and precious asset with resources staying at the disposal of central governments, combined with deep mistrust between the two rivals, prevent from addressing socio-economic and environmental issues collectively. There are some apprehensions among GB inhabitants, that China engaged in agricultural investments, aims, in fact, at taking advantage of Pakistan's groundwater reserves.⁷⁴ Proper management of water resources at domestic and international levels with the inclusion of indigenous communities irrespective of their sectarian background is an essential condition for providing sustainable and resilient development, not only in the peripheral regions such as GB and other parts of the former PSJ&K but also in India and Pakistan. Former PSJ&K is a home of Indus river basin, a critically important system of rivers which have major repercussions for regional economy, food, water and energy securities. For decades, water control (despite the Indus Water Treaty signed in 1960) has been an inseparable component of competitive narratives by

India and Pakistan, manifested by uncompromising water policies in their respective pieces of Kashmir.

The HR violations in GB are fundamentally under-reported at the international level. The August 2016 Asian Human Rights Commission (AHRC) report on police brutality and torture in GB, emphasising the complete impunity of the security forces, can be regarded as an exception. It said, 'Due to the lack of legislative apparatus and non-representation at the national assembly the people of Gilgit-Baltistan are left without a voice. Their demands for justice are unheard and unheeded. The local administration is not unable to rein in the law enforcement agencies who have been allowed unbridled power by the state under the guise of law and order'.⁷⁵ It is worth mentioning that the GBDA is a member of the Unrepresented Peoples Organization (UNPO) on behalf of GB. The Alliance is an umbrella organisation representing different local groups. The UNPO website states that the region is internationally contested by Pakistan, India and the native inhabitants of GB.⁷⁶ The noteworthy update on HR in Kashmir, published in 2019 by the Office of the United Nations High Commissioner for Human Rights, informed about involuntary disappearances, using the Anti-Terrorism Act 1997 (ATA) to target political activists, human rights defenders, student protesters, environmental activists, and clamping down on any anti-CPEC dissent in GB.⁷⁷

10.6 China in Gilgit-Baltistan

The Sino-Pakistani axis referring to Kashmir dates back to the early 1960s and has since then been shaped by regional geostrategic dynamics and both states' aspirations. Pakistan's political and strategic imperatives gained special importance during the ill-conceived 1965 war with India (the second Kashmir war), when Pakistani establishment realised that the Americans would not support its revisionist policy in IaJK. Since then, the strategic alliance of Pakistan with the already nuclear China has been gradually strengthened and propagandistically labelled as higher than Himalayas and deeper than oceans. Earlier, on 2 March 1963, Pakistan ceded the Shaksgam Valley (the region claimed by India as part of Ladakh) to China. The area lies to the north of the Siachen Glacier and its transfer under the Sino-Pakistan Agreement significantly changed the territorial status quo in the former PSJ&K, and opened a new chapter in relations with China. According to New Delhi, this act was a unilateral decision,⁷⁸ which India does not recognise,⁷⁹ as it regards all chunks of the former PSJ&K as its integral part. Consequently, the pieces controlled by Pakistan and China are considered illegally occupied. Conspicuously, the Sino-Pakistani agreement is provisional pending the final resolution of the Kashmir conflict. Article 6 stipulates, 'after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary as described in the Article 2 of the present agreement so as to sign a

formal boundary treaty to replace the present agreement'.⁸⁰ These stipulations are among many reasons behind China's disinterest in Indo-Pakistani reconciliation, and it seems highly unlikely that either Pakistan or China would agree to any territorial change which would strike at their interests.

By expanding its footprint in South, Central Asia, the Middle East and elsewhere,⁸¹ China aims to upgrade its strategic efficiency vis-à-vis India and the United States and bolsters its trade connectivity with the world. The geographic location is considered a major asset of Pakistan, which the Chinese are eager to utilise this alliance as an extension of their strategic and economic expansionism manifested by growingly assertive regional posture. Pakistan plays key role in this endeavour as it provides a land route for Chinese commodities and the access to strategic resources from the Persian Gulf region. Khunjerab Pass in GB and the Karakoram Highway⁸² (completed in 1979 with Chinese support) provide Chinese gateway to Pakistan. Therefore, the strategic significance of the region cannot be overestimated, especially in the light of the Chinese BRI (Belt and Road Initiative) megaproject, regarded as an instrument for realisation of Xi Jinping's 'Chinese Dream' of China-led international order. Announced as 'a new Silk Road' by Beijing in 2013 in Astana, the BRI includes transport infrastructure and the construction of industrial corridors and is planned to stretch across Central Asia to the Middle East and Europe.

The CPEC (promoted as the flagship project within the BRI), between Xinjiang province in China and a deep-water Gwadar Port⁸³ on the Arabian Sea, has already been given the status of a 'game changer' in the whole region, which will ease China's Malacca Strait dilemma and link western China to Gwadar in Balochistan through a network of highways, railways and investment parks. The CPEC reaffirmed by president Xi Jinping during his first, 'fate-changing visit' to Pakistan in April 2015, was positively received by Pakistani leadership, hoping that the 3000-km corridor would stimulate growth by constructing a massive network of oil and gas pipelines, highways, and railways. On 20 April 2015, the then Prime Minister Nawaz Sharif and President Xi Jinping signed 51 agreements and MoUs, including the CPEC project. Pakistan with its economic crisis, widening trade deficit and decreasing international remittances is deeply interested in boosting its economy, developing and modernising physical connectivity and revitalising its electric power sector. Yet, while new infrastructure is vital to development, there are numerous concerns regarding potential sociopolitical and economic impact of the corridor as Pakistan may fall into a debt trap and strategic dependence on China. Additionally, the lack of transparency around the CPEC fuels suspicion and resentment among local communities and civil society representatives across Pakistan who claim that the CPEC will bring profits mostly to Chinese investors (the PRC's state-owned enterprises almost exclusively employ Chinese workers) and narrow civilian and military elites in Pakistan (mostly Punjabi). The locals in GB (and elsewhere in Pakistan, for example in Balochistan and Sindh) apprehend that

the CPEC may turn into a manifestation of a postcolonial approach of the Pakistani state which will result in land-grabbing, unlimited exploitation of the resources with disregard to the inhabitants and fragile environmental issues. Combined with GB's subordinate legal status vis-à-vis Islamabad, it may further disenfranchise the region and its indigenous inhabitants.

There is a widespread consensus among Pakistani leadership that the whole CPEC project will be beneficial to the citizens and the state economy.⁸⁴ Mir Ghazanfar Ali Khan, the Governor of GB, declared already in November 2016 that the CPEC will 'develop the entire region's fortune', the Federal Minister for Interior, Brig (R) Ijaz Ahmad Shah repeated the 'game changer' narrative during the meeting with Chinese ambassador in November 2020 and pledged 'foolproof security' for the CPEC projects.⁸⁵ Contrary to the largely positive assessments of the PML-N and later, the PTI governments, while addressing the 32 Session of the UNHRC in Geneva (17 June 2016), Junaid Qureshi (son of Hashim Qureshi, one of the founding members of JKLF), director of the EFSAS (European Foundation for South Asian Studies), who vehemently opposes the CPEC, expressed concerns over the corridor. He claimed it may exacerbate negative ecological and environmental impacts which the region faces due to climate change, including 'air and water pollution, inadequate waste disposal, natural resources depletion, deforestation, loss of biodiversity and glacier melting'.⁸⁶ Obviously, the sense of structural deprivation and lack of representation predates the CPEC and is deeply embedded in PaJK's local discourses. A report prepared and published by the HRCP in September 2014 as a result of a fact-finding mission indicated that local people in general complain about being excluded from the decision-making process with important events being organised without their presence; some consider themselves second class citizens.⁸⁷ The exclusion of locals during the CPEC planning and implementation may foster the mechanisms underpinning Pakistan's clientelistic relationship vis-à-vis China with limited incentives for critical analysis of the entire project. The fact that GB is a key gateway for the corridor and yet its indigenous inhabitants feel left out of its benefits, bolsters the sense of disenchantment within the region.⁸⁸

China's expanded footprint in Pakistan results in Beijing's emergence as key political stakeholder in local tensions and enables to increase its impact on regional security dynamics. The cooperation within the CPEC, primarily in energy and transport sectors, strengthens GB's strategic value for Pakistani and Chinese establishments. That is why China refers to GB as a political entity belonging to Pakistan, not as a part of the former PSJ&K subjected to a territorial Indo-Pakistani dispute. This shift of Chinese position on Kashmir became noticeable in the 2010s. Earlier, Beijing's official stance was rather based on the assumption that it is a bilateral issue between India and Pakistan. In December 2014, while announcing the closing of Khunjerab pass for the winter season, the Chinese state-owned Xinhua news agency named GB as a part of Pakistan.⁸⁹ This time the agency did not

withdraw the announcement, unlike in 2010, where similar news had been deleted after an official Indian complaint. While tightening Islamabad's cooperation with Beijing in GB, the CPEC may also contribute to the escalation of the Indo-Pakistani antagonism as Pakistan will pursue its policy of delegitimisation of India's claims vis-à-vis PaJK. Additionally, in order to demand judicial clarity for its investments, China is likely to invariably encourage a political solution for the status of GB, for a legal cloak to cover its implementation of the CPEC related projects in the area. One potential option is to constitutionally integrate GB as the fifth province of Pakistan,⁹⁰ which is not an unlikely scenario, especially after India scrapped Article 370 of its Constitution and bifurcated IaJK in 2019.

China is also engaged in multiple other projects in GB. For example, in May 2020, Pakistani government signed a contract with a joint venture of China Power and Frontier Works Organisation for the construction of the 272-m high Diamer-Bhasha mega dam (its foundation stone was laid already in 1998). Once completed (scheduled for 2028), it will be the tallest roller compact concrete dam in the world. India strongly protested against the contract and construction of the dam, viewing it as another manifestation of China's encroachment into the disputed areas. There are also apprehensions among GB inhabitants of forceful evictions with no appropriate compensation and that the dam will submerge the precious ancient Buddhist rock engravings.

Notes

1. PILDAT (2011a: 9).
2. BoS-GP.
3. *Sardār*, a title of nobility, a leader, a commander, for example, in Balochistan a chief of the tribe. Gujarat-born Vallabhbhai Jhaverbhai Patel, a noteworthy leader of the INC and India's first Home Minister, a 'Unifier of India', who had substantial contribution to the establishment of India's administrative and governmental structure (he was engaged in princely states' accession to India), was referred to as Sardar.
4. He was the main instigator of the 1947 Poonch Rebellion and is regarded as 'founder of AJK'.
5. SNEDDEN (2015: 210).
6. SCHAFFER (2005: 33).
7. According to HINGORANI (2016: 211).
8. PURI (2012: 42).
9. AJKIC (1974), HINGORANI (2016: 264).
10. PURI (2012: 44).
11. SNEDDEN (2015: 221), BAID (2013: 142), DEWAN (2011: 213).
12. AJKIC (1974: 5).
13. CIRP (1973).
14. Discussion with a Kashmiri activist, professor M. Khaleeqe, Rawalpindi, April 2016.
15. Its leader was Amanullah Khan, born in Gilgit, *vide supra*, §6.1.
16. AJKIC (1974: 38).
17. HRCP (2019, 2020: 244).

18. BALCEROWICZ–KUSZEWSKA (2022b, [Part 1](#)).
19. Yet, particularly since 2018, when the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was published, the situation in PaJK attracted more international attention. BALCEROWICZ–KUSZEWSKA (2022b).
20. A sister of the late Asma Jahangir and a co-founder of the HRCP.
21. [HRCP \(2010\)](#).
22. HRCP (2016, 2017: 315).
23. HRCP (2017, 2018: 278–282).
24. HRCP (2018, 2019: 307).
25. [HRCP \(2019\)](#): 242–250).
26. [CIRP \(1973\)](#).
27. [CHOUDHRY \(2014\)](#): 18).
28. The interview with the APNA members and supporters. Islamabad and London (April 2015 and September 2016).
29. [CHOUDHRY \(2014\)](#): 149).
30. See: AHMED, Tanveer (*blog*).
31. [AHMED \(2017\)](#): 4–10). Moreover, 99% of respondents declare that there should be ‘equal rights and (responsibilities) amongst citizens irrespective of cast, creed, colour, ideology or religion’ and 71% assume that Muslims can coexist with non-Muslims.
32. AHMED (2018).
33. Online interview with a Kashmiri human rights activist and a resident of AJK, who preferred to maintain anonymity, 9 December 2016.
34. [ABBASI \(2015\)](#).
35. [BAID \(2005\)](#).
36. [BOSE \(2007\)](#): 235).
37. [SHAH \(2014\)](#): 167–169) quotes his correspondence with General Aslam Beg.
38. [HAQQANI \(2016\)](#): 234–235).
39. [HRCP \(2019, 2020\)](#): 248).
40. [HRCP \(2019, 2020\)](#): 249).
41. Observations made during research trip to AJK in 2013 and the subsequent conversations with Kashmiri activists, expats etc., in the United Kingdom.
42. [MAHMUD \(2010\)](#): 384).
43. [MAHMUD \(2010\)](#): 384).
44. The protests and major strikes in Muzaffarabad against the reduction of water supply due to diverting of the river and expected environmental damage temporarily put a halt to construction of Kohala Project. [EBRAHIM \(2019\)](#).
45. [BEHERA \(2006\)](#): 191).
46. According to some authors, they identify themselves rather as ‘Mirpuris’ (Kotli was previously a part of Mirpur), not as Pakistanis or even Kashmiris. SÖKEFELD–BOLOGNANI (2011: 112), [SAMAD \(2013\)](#): 295–298). Yet, according to SNEDDEN (2015: 216), ‘some Mirpuris are calling themselves “Kashmiris” because of their links with the former princely state of “Kashmir”. Some also have tried to use their electoral “muscle” to influence the UK’s position on the Kashmir dispute’.
47. [BHATTI \(2013\)](#): 40–41).
48. [PANDE \(2011\)](#): 60–63), [FAIR \(2014\)](#): 103–105), [HUSSAIN \(2007\)](#): 30).
49. [GREIG \(2016\)](#): 22).
50. [Sumantra BOSE \(2007\)](#): 233–234) observes that Muslim identity is strongly embedded in secessionist politics in Kashmir, and even though the JKLF leaders claim to represent a secular nationalist liberation movement, they failed to attract support among non-Muslim Kashmiris.

51. WEBB (2012: 46), CONSTABLE (2011: xiv). JAGMOHAN (2014: 404), the iron-fisted Governor of J&K (April 1984–July 1989 and 1990), writes, ‘Pakistan provided not only moral, political and propaganda support to the subversionists in the Valley, as it itself admitted, but also actively helped them in training in guerilla warfare and techniques of contemporary terrorism’.
52. He challenged the security establishment by referring to the Mumbai attack-related trials which stalled in the Rawalpindi anti-terrorism court: ‘Militant organisations are active. Call them non-state actors, should we allow them to cross the border and kill 150 people in Mumbai? Explain it to me. Why can’t we complete the trial?’, ALMEIDA (2018).
53. Seen as an arm of the army, not an entity supported by it, as SINHA (2020: 201), long-time secretary of Indian Prime Minister Vajpayee, writes.
54. HoC (2007: 154).
55. BACKSTROM–RADLOFF (2002: xv–xvii).
56. Bos-GP.
57. ALI (2019: 12).
58. FBoS (2017a, 2017b).
59. More: BROWN (2014: 252–260), Appendix 1.
60. CHEEMA (1990: 56).
61. SNEDDEN (2015: 218).
62. GBESGO (2009).
63. BOUZAS (2012: 76).
64. HRCF (2019: 253–254).
65. Its more nationalist and anti-establishment faction, BNF-H, led Abdul Hamid Khan, was banned in 2019 and he surrendered to the Pakistani armed forces.
66. See also: BOUZAS (2012: 876–877), PARKER–VAUGHAN–WILLIAMS (2014: 150–151), RIECK (1995: 159–160). On demographic changes (Shī’a–Sunnī) in Gilgit-Baltistan between 1948 and 2011, see BALCEROWICZ–KUSZEWSKA (2022a: 167–172).
67. ICG (2007: 2).
68. HAQQANI (2016: 148–156).
69. SNEDDEN (2015: 220).
70. KHAN (2013: 214).
71. The forces with a regional background and a considerable percentage of Shī’a personnel (police, Northern Light Infantry, Scouts) were not regarded as trustworthy by the central authorities. STÖBER (2007: 398).
72. STÖBER (2007: 390–393).
73. CHOUDHRY (2014: 212).
74. MUSTAFA (2018).
75. AHRC (2016-08-08).
76. UNPO (2017).
77. OHCHR (2019: 34–43).
78. VERGHESE (2007: 7).
79. MAHAPATRA–SHEKHAWAT (2008: 55–57).
80. SPFA (1963).
81. The mid-2020 initial draft of economic and military cooperation with Iran suggests that China wants to spread its footprint there, contain the United States and India and balance its cooperation with regional allies.
82. KKH as major GB’s link with Pakistan increased the employment in non-agriculture business, developed banks system, services, etc.
83. In *Pakistan’s Economic Survey, 2018–2019*, Gwadar Port is turgidly termed ‘the second greatest monument of Pak-China friendship after Karakoram Highway linking Pakistan and China’. PES (2018–2019: XVI).
84. WOLF (2020: 73).

85. [DT \(2016-11-26\)](#), KUSZEWSKA–NITZA–MAKOWSKA (2021). Curtailing freedom of speech has a long lasting tradition in Pakistan, dating back to its formative decades. In more recent times, for example, Manzoor Parwana, the Editor-in-Chief of the *Kargil* monthly magazine was charged with sedition (section 124-A of PPC, *vide supra* §9.7) and the magazine was banned. It reported the stories about the 1999 Kargil War with India, criticised General Musharraf's operation, his government's propagandist portrayal of local soldiers as *mujāhidīn*, and demanded a commission to enquire into the conflict. [UNPO \(2010\)](#), [ALI \(2019: 168\)](#). Cooperation with authoritarian China may inspire Pakistani leadership to bolster censorship and further curtail dissent.
86. [QURESHI \(2016\)](#).
87. [HRCP \(2014: 24\)](#).
88. [LONE \(2016\)](#). On potentially stabilising and destabilising results of the CPEC, see: KUSZEWSKA–NITZA–MAKOWSKA (2021).
89. [Xinhuanet \(2014-12-02\)](#).
90. [WOLF \(2018: 85–100\)](#).

11 Kashmir dispute in the international policy of Pakistan

Agnieszka Kuszewska

11.1 The accession of Jammu and Kashmir to India

Jammu and Kashmir formally acceded to India under provisional and temporary conditions on 26 October 1947, when Maharaja Hari Singh, upon requesting India's military assistance, signed The Instrument of Accession of the State of Jammu & Kashmir (IoAJ&K). Pakistan openly questions the legal validity of this document and remains unrepentant about the claim that Maharaja signed the agreement under duress and thus the incorporation of Kashmir into India was forced and illegal *ab initio*. It stood against the communal framework of partition, based on two-nation theory. Pursuant to this rhetoric, Kashmir's accession to India negated the core principle Pakistan's foundation. The presupposition that Muslim-majority regions of India had to be incorporated into the newly established Muslim state in 1947 constituted key point of Pakistan's international narrative and ceaselessly constitutes its official discourse. Consequently, the only officially acceptable option is to safeguard unconditional accession of Kashmir. According to Pakistan, Kashmir is not an integral part of India, also because Maharaja was not authorised to sign the document. At the same time, the standstill agreement signed by Kashmiri ruler with Pakistan, and not with India, was interpreted as tantamount to accession to Pakistan. Adarsh Sein [ANAND \(1964: 77\)](#) argued that Pakistan overemphasised the significance of the standstill agreement. He quoted Lord William Birdwood, a high-ranking British officer serving for decades in India, who advocated the plebiscite in Kashmir, without much hope it being practically held,¹ and considered standstill agreement just as device 'which any prince could sign with one or other of the Dominions in order to ensure that in cases where the ruler needed more time to make up his mind, the normal services should continue'.

Since its inception, Pakistan internationally questions India's right to control Kashmir. During the United Nations Security Council (UNSC) meeting in the early 1950s, Sir Mohammad Zafrulla Khan, Pakistan's Foreign Minister, claimed that India simply did not need Kashmir and its only aim was to destroy Pakistan: 'India is under no necessity nor compulsion to require or to need the accession of Kashmir to itself. India has

merely entered upon a gamble. If it succeeds in that gamble, it can crush and break Pakistan—and that is the object of that gamble. India does not need Kashmir from the point of view of any of its necessities. The possession of Kashmir can add nothing to the economy of India or to the strategic security of India. On the other hand, it is vital for Pakistan'.² He disclosed the duality of Pakistan's explanation for the deployment of its troops in Kashmir. On one hand, the aim of the Pakistani military was to protect itself against India's potential aggression, 'to avoid the imminent danger', on the other, India was accused of already committing such an act of aggression by entering Kashmir. Notably, Pakistani army started using proxy strategy to control Kashmir already in 1947, by mobilising *lashkars* (troops, military units, legions—AK) to seize Kashmir while Maharaja Hari Singh, debated about the future of J&K. 'By October 1947, Pakistan's first foray into asymmetric warfare had precipitated the first Indo-Pakistani conventional military crisis (the 1947–1948 war)'.³ Pakistani military operations in Kashmir during the first Kashmir war were justified as preventative actions against the imminent threat from Indian troops in Kashmir⁴ even though Pakistani-backed intruders from tribal areas⁵ were the first who invaded Kashmir to 'liberate' it. The invaders plundered Kashmir and their activities were planned and supported by Pakistani decision makers.⁶ This incursion heralded the era of nurturing extremism that flared up in the name of *jihād* and was incorporated by the military establishment as the strategy aimed at reversing the accession of Kashmir to India.

11.2 The centrality of Kashmir issue

Liaquat Ali Khan, the first Prime Minister of Pakistan, declared during the debate devoted to the Report on Kashmir held on 5 October 1950 and prepared by the UN appointee Sir Owen Dickson, that due to cultural, demographic, economic and strategic factors, Kashmir should be a part of Pakistan. 'For Pakistan Kashmir is a vital necessity; for India it is an imperialist adventure'.⁷ These words symbolise the official state narrative adopted by Pakistani decision makers. Kashmir is centrally constructed as crucial framework for Pakistani nationalism and the symbol of its identity. Its authorities, while negotiating with India, reject any concessions or compromises in this regard. Moreover, peace initiatives aimed at a resumption of the stalled dialogue are carefully observed by the security establishment and any willingness to compromise in various contentious issues is treated with the highest suspicion and often discredited as an act of submissiveness. India's attitude and objectives are based on a similar symbolic meaning of Kashmir and are manifested by a staunch rejection of any compromise on the issue of territorial integrity. Kashmir serves as crucial proof of India's internationally projected democratic credentials and a national identity based on religious/ethnic diversity. These combative attitudes make the enduring rivalry intractable and lead to extensive violations of human rights (HR) in the erstwhile PSJ&K.

After he assumed power in a military coup which abruptly ended Nawaz Sharif's term in 1999, General Pervez Musharraf portrayed himself as a moderate leader, giving (futile) hope for reforms aimed at deradicalisation. Contrary to his perception of a 'soft dictator', Musharraf was another incarnation of praetorianism, an army man who during his dictatorial tenure usurped to represent the wishes of the entire nation, also with reference to the Kashmir strategy. Najeem JAN (2019: 110) notes, 'Musharraf effectively blurred the distinction between himself (the military) and Pakistan, between his voice and the voice of law, between the violence of law and the law of violence'. The Kashmir issue remained inalienable part of his security strategy. In his address to the nation delivered on 12 January 2002 on national television, which followed the December 2001 attack on the Indian Parliament perpetrated by a Pakistani-based terrorist group, Musharraf confirmed Pakistan's long-term strategy in Indian Kashmir. He affirmed the durability of Pakistan's support for the Kashmiri freedom struggle and the mutual unity of Kashmiris with Pakistan: 'Kashmir runs in our blood. No Pakistani can afford to sever links with Kashmir. The entire Pakistan and the world know this. We will extend our moral, political, diplomatic support for the Kashmiris'.⁸ Dressed in full military regalia, Pervez Musharraf staunchly emphasised that Pakistan is the fortress of Islam (*Pākistān Islām kā qilā hai*), meeting the expectations of the Deep State, religious radicals and ultranationalists.⁹ This announcement stood in conformity with Pakistan's persistent strategic agenda which prevents its ruling establishment from discarding the Kashmir issue without simultaneously disavowing the ideological grounds for the partition of the Indian subcontinent. General Zia's Islamisation policies solidified the religion's key role in constructing the frameworks for Pakistan's foreign policy in the subsequent decades. The military establishment remains determined to pursue this strategy. In August 2009, the then Chief of Army Staff (COAS), General Ashfaq Parvez Kayani announced that the army will defend the country against all threats and emphasised that 'Islam is the soul and spirit of Pakistan. It is our strength and we will always be an Islamic republic'.¹⁰ General Qamar Javed Bajwa, who replaced General Raheel Sharif as the COAS in December 2016, has experience in the field both along the LoC and in the northern areas as he served *inter alia* in the Northern Light Infantry Regiment. The major objectives and confrontational approach of the military establishment towards New Delhi and IaJK remained unchanged, which General Bajwa confirmed in his speech on 2 December 2016 when he referred to the UN resolutions as the legal basis for conflict resolution, condemned India's 'aggressive posture' along the border and accused New Delhi of trying to divert the world's attention away from HR abuses being committed by Indian security forces in IaJK. He reiterated the Pakistani emphasis on 'the aspirations of the Kashmiri people'.¹¹ The involvement of the Pakistani security apparatus in Kashmir is no longer questioned even by members of the establishment themselves. The former ISI chief Asad Durrani publicly admitted that the ISI had worked intensively to not only precipitate, but also

shape the resistance in Kashmir. The overall thrust has been based on an uncompromising realpolitik: demean pro-independence actors, encourage, train and arm pro-Pakistani ones and use this as leverage against India to suit Pakistani interests without any real interest in what happens to Kashmiris and without genuinely advocating their rights.¹²

Pakistan assumes that Kashmir occupies a central position in the conflict with India and it must be given priority while making attempts to normalise bilateral relations.¹³ It is a standard narrative that it will be much easier to address other issues once the Kashmir conflict is successfully addressed and resolved. This leads to failure in bilateral talks: Pakistan prioritises settlement of Kashmir over other disputed issues while India opts for discussing all problems separately at the same time. Such a situation occurred, for example, in January 1994 when the foreign secretaries met for talks in Islamabad, during the second term of Benazir Bhutto. The talks did not bring any progress as neither side was willing to compromise. Meanwhile, in March the same year, Pakistan raised the issue of the violations of HR in Indian Kashmir at the UNHCR (UN High Commissioner for Refugees) in Geneva, trying (unsuccessfully) to garner support from other Islamic states.¹⁴ In September 2012, in the interview with Iftikhar Gilani, Hina Rabbani Khar, Pakistani Foreign Minister in the PPP government, affirmed that Jammu and Kashmir remained a core and central issue for Pakistan. 'The issue has centrality, it concerns the rights of Kashmiri people',¹⁵ she pointed out. The PML-N government repeated the same mantra. While addressing the 71st Session of the UN General Assembly on 21 September 2016, the then Prime Minister Nawaz Sharif adhered to this perennial narrative. He complained that Pakistan had been the major victim of terrorism and emphasised the priority of the Kashmir issue by saying that 'Pakistan wants peace with India but it is not possible without resolving the Kashmir issue'.¹⁶ During the SAARC Summit in Colombo in 1998, Sharif highlighted peace, security and stability as major conditions for mutually beneficial regional cooperation.¹⁷ Pakistan invariably aspires to share an equal position on par with India in the conflict and to have the same potential as to its resolution and claims to have the same rights and obligations towards Kashmiris.

Pakistani policymakers in a bid to 'safeguard the national security and geostrategic interests' in which Kashmir plays pivotal role¹⁸ are engaged in a political endeavour to internationalise the Kashmir conflict to attract the support of the international community to its resolution (in accordance with Pakistan's will). The accusations of HR violations in IaJK are aimed to bolster international recognition and approval of Pakistan's stance. The stipulations regarding bilateralism as stated in the 1972 Simla Agreement were not accepted by Pakistan, or at least they were interpreted in different ways by New Delhi and Islamabad. Pakistanis assumed that despite bilateralism in Indo-Pakistani relations, the agreement would not be at odds with referring the unsettled dispute to a third party, such as the UN or the United States.¹⁹ Multiple speeches were delivered by Pakistani representatives and

documents exchanged bilaterally and multilaterally in which Pakistan put great effort into convincing the global forum that its claim to the IaJK is legitimate and India's administration should be regarded as 'occupation'. In a letter from the Permanent Representative of Pakistan to the UN (dated 20 October 2016), IaJK was referred to as 'occupied' by India.²⁰ It quoted the Resolution No. 8/43-POL and Resolution No. 52/43-POL,²¹ adopted (along with 52 other resolutions concerning conflicts all over the world) by Council of Ministers for Foreign Affairs of the Saudi-dominated Organization of Islamic Cooperation (OIC) during the meeting in Tashkent on 18–19 October 2016. Pakistan praises its interactions with this organisation as a manifestation of Islamic unity, and undertakes systematic efforts to raise Kashmir issue at the OIC meetings. This international organisation consisting of 57 Muslim states has occasionally criticised HR violations in IaJK, but it is also interested in expanding relations with India; the economic advantages seem to outweigh potential risks related to diplomatic rows with New Delhi. In 2019, India's then External Affairs Minister Sushma Swaraj was invited to the 50th anniversary meeting of the OIC held in the United Arab Emirates, where she highlighted the necessity to bolster the antiterrorism cooperation. Pakistani counterpart Shah Mehmood Qureshi skipped the meeting in protest against her presence. Notably, the OIC's resolution on Kashmir was not included in the main negotiated document, the Abu Dhabi Declaration. As in case of other foreign interference, India rejects any OIC's references to IaJK claiming that it is an internal issue and the organisation has no *locus standi* in matters relating to the region. Since IaJK's bifurcation Pakistan strengthened diplomatic efforts to demand international condemnation of India's policy. S. M. Qureshi even evoked tensions with Saudi Arabia, Pakistani traditional ally and loan provider, by accusing Saudi leadership of lack of the OIC's support for Pakistan in the Kashmir issue. Even though Pakistani authorities reported that the OIC's Council of Foreign Ministers (held in November 2020 in Niamey, Niger) asked India to rescind its legal actions vis-à-vis Kashmir taken in 2019, there is hardly any chance that the organisation will openly condemn India. Riyadh has interests in upgrading relations with India in terms of investments and oil export, especially during the COVID-19 pandemic-related oil crisis. Saudi Aramco wants to bolster its presence in the oil and refining division of India's Reliance Industries Ltd. Saudi Arabia's \$33 billion trade with India is about 11 times larger than with Pakistan.²²

11.3 Internationalisation and plebiscite

Self-determination, freedom, plebiscite: these three key catchwords sloganeered by Pakistan in its policy vis-à-vis IaJK and misused with the clear presupposition that the wishes of Kashmiri Muslims will be respected only if they vote to access Pakistan. In such rhetoric, potential participants of the plebiscite are actually deprived of genuinely exercising their right to self-determination as granting them equal status is conditioned whether they

vote in the 'right' way.²³ Pakistan promotes its salvage Islamic nationalism under the banner of 'rescuing' an oppressed community of Kashmiri Muslims in the Indian chunk of the disputed region, without providing equal rights to the indigenous inhabitants of PaJK. It appeals to international recognition Kashmiris' rights and spares no efforts in the endeavour to entice foreign powers and international organisations to participate in the resolution of the conflict in Kashmir. The assumption is that the world should support Islamabad's quest for a plebiscite and self-determination (regarded as tantamount to merging with Pakistan, not acquiring greater autonomy or independence) for the Kashmiris and should join Pakistan in condemning India's policy in IaJK.

Pakistan's demand for a UN-overseen plebiscite dates back to 1948 and alludes to the resolutions adopted by the UNSC and the United Nations Commission for India and Pakistan (UNCIP), which was established that year by the Security Council (under resolution S/RES/39(1948), adopted on 17 January 1948²⁴). The role of the UNCIP, according to the resolution, was to 'exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties'. The UN Security Council Resolution adopted on 21 April 1948²⁵ and the Resolutions adopted by the UNCIP on 13 August 1948²⁶ and 5 January 1949²⁷ called for free and impartial plebiscites. One of the preconditions was demilitarisation and withdrawal of troops by both Pakistan and India. The UNCIP resolution of 13 August 1948 urged Pakistan to withdraw from Kashmir its troops, tribesmen and 'Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting'. This obligation was never fulfilled. Given the fact that there is a strong, strategic presence of Indian and Pakistani security forces in their respective parts of Kashmir and neither side is willing to compromise on the issue they consider crucial for their own interests, it is hardly possible that the preconditions for a fair plebiscite will be met in the foreseeable future. Pakistan's official perception of plebiscite is in fact based on the assumption that Kashmiris from IaJK will decide to merge with Pakistan. Article 257 of Pakistani Constitution stipulates: 'When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the State shall be determined in accordance with the wishes of the people of that State'.²⁸ Contrary to this supposition, an opinion poll carried out in 2010 on both sides of the LoC (with the exclusion of GB), by Robert BRADNOCK (2010: 15–19), indicated a strong willingness among the Kashmiri people to achieve an independent status. The survey revealed that an average 43% of the total adult respondents on both sides of the border favoured independence for the whole of Kashmir: 44% in AJK and 43% in J&K. It is beyond doubt that neither Pakistan nor India would ever accept this option. As far as the accession to Pakistan is concerned, in AJK 50% of the respondents said they would vote for Jammu and Kashmir to join Pakistan, with 64% in Bagh District, the highest level of support. In IaJK, only 2% indicated willingness to join Pakistan. In the Valley, the only region with anyone willing

to accede to Pakistan, the highest proportions, 6% and 7%, were registered in Srinagar and Badgam districts, respectively.

The resolutions on Kashmir calling for a plebiscite adopted by the UN in an early phase (1948–1957) were never reaffirmed, and it is practically impossible that Pakistan could currently secure any settlement proposed in the 1940s and 1950s.²⁹ Nonetheless, Pakistani military and political leaders articulate the necessity of holding a plebiscite and recurrently claim that they are entitled to provide Kashmiris with moral support and to act as proponents of their struggle for freedom. Pakistan points out that, having refused to reconsider the possibility of holding a plebiscite in J&K, India has disregarded the UN and UNCIP resolutions. Yet, it can be assumed that Pakistan would not remove the presence of Deep State in GB and AJK and allow an impartial referendum under international auspices to be held in these two chunks of the former PSJ&K. The call for plebiscite remains therefore an element of purely propagandistic, international projection of Pakistan as the state that ‘supports the will of Kashmiri people’ with no genuine intentions of doing it.

Some analysts argue that the Simla Agreement signed in 1972 abandoned the idea of a plebiscite in favour of bilateral negotiations and opened the possibility of a *de facto* partition along the newly established LoC.³⁰ The investigation of current policies of India and Pakistan vis-à-vis Kashmir inspires to assume that both rivals are opting for this scenario.

11.4 Constructing India as the ‘arch-enemy’

For Pakistan two crucial assumptions remain indisputable: India is its major existential threat and Kashmir remains the ‘unfinished business of partition’,³¹ and New Delhi does not accept the legitimate Pakistani rights in Kashmir. The Indo-centric worldview serves as the major principle and guideline for Pakistan’s security strategy with its defensive and existential components; this posture unceasingly determines the trajectories of its domestic and foreign policy. In the 21st century, India’s regional ambitions as an emerging power are regarded by Pakistani establishment as a threat to the neighbours, aimed to establish a dependent relationship in South Asia³² and expanding India’s spheres of interests. In an interview given to the prominent German weekly, *Der Spiegel*, Imran Khan portrayed India as a threat to Bangladesh, Sri Lanka and to Pakistan. He assessed the BJP-led government as ‘most extremist, racist on the subcontinent’ and India as ‘a fascist state, inspired by the Nazis in the 1920s and 1930s’.³³ The policy of assessing India as ‘bastion of fascism’, enacting discriminatory laws against the Muslims (such as Citizenship (Amendment) Act, 2019, CAA³⁴), with constant references to IaJK, is also propagated at the UN level.³⁵ The rhetoric of being a threat is counterposed by India, which reiterates its goal to face terrorism and money laundering (a reference to Pakistan), as a non-violent country, treating other states as partners (a reference to Chinese policies, regarded as hegemonic in India), willing to join the decision-making process

of the UN, as Narendra Modi emphasised in his October 2020 speech for the UN General Assembly.³⁶

According to Pakistani official narrative, India makes attempts to destabilise and weaken Pakistan internally through the use of a variety of covert means, for example, providing support for secessionist movements, such as the insurgency in Balochistan. Indian assistance to the Mukti Bahini insurgents in 1971, during the pro-independence struggle in East Bengal, serves as the proof that New Delhi was directly engaged in territorial disintegration of Pakistan. India's external intelligence agency, the Research and Analysis Wing (RAW), is regularly accused of meddling in Pakistan's internal affairs by endorsing and financing Balochi secessionist movement. The aim of this campaign is to stir the hostility towards India within Pakistan and uphold the image of a powerful neighbour as permanent threat. In a bid to prove RAW's engagement in Balochistan, in March 2016 Pakistan arrested Kulbhushan Jadhav, a retired Indian naval officer, who was working on cargo business in Iran. India accused Pakistan of violating his rights by restricting consular access (the case against Pakistan in the International Court of Justice was filed in May 2017) and rejected espionage allegations by claiming that Jadhav had been kidnapped and his documents were fabricated by the ISI.

As Pakistan regularly criticises India's democracy and HR standards, it is worth to briefly look at the assessment of political systems in both countries. India, still occupying a much higher position in Democracy Index compiled by the Economist Intelligence Unit, has noticeably fallen down from 27th in 2014, due to Hindutva-related supremacist nationalism bolstered by the BJP-led ruling National Democratic Alliance coalition, with significant backslide of democratic principles. [Table 11.1](#) illustrates the assessment of civil liberties and political culture in India and Pakistan in 2019–2020: the former retains its position as a flawed democracy, the latter remains a hybrid regime with significantly worse democratic standards. As of 2020, only five countries (Haiti, Kyrgyz Republic, Lebanon, Côte d'Ivoire, Nigeria) were assessed worse than Pakistan among the hybrid regimes; further decline may again downgrade Pakistan to the group of authoritarian states (as it was placed in the 2006 index).

The paucity of democratic principles is particularly illustrated by both states' policies vis-à-vis Kashmir, where the inhabitants experience the enhanced patterns of hegemonic, state-led control, even when compared with other volatile regions of India and Pakistan. Yet, mutual accusations and finger-pointing approach are deeply embedded in the bilateral rivalry. Time and again, Pakistan vehemently emphasises India's abuses, but at the same time rejects any accusations of an exploitive rule in AJK and GB. Indeed, India perpetuates massive HR violations in Kashmir Valley, but at the same time comparable methods that contravene the democratic norms of law and justice, or even involve overt violence, are used by the Pakistani ruling establishment in strategically fragile regions, including PaJK (Pakistani-administered Jammu and Kashmir).

Table 11.1 Democracy Index 2019 and 2020: India and Pakistan

<i>Country; global rank</i>	<i>Classification</i>	<i>Year</i>	<i>Electoral process and pluralism</i>	<i>Functioning of government</i>	<i>Political participation</i>	<i>Political culture</i>	<i>Civil liberties</i>	<i>Overall score</i>
India	Flawed Democracy	2019	8.67	6.79	6.67	5.63	6.76	6.90
2019: 51 2020: 53		2020	8.67	7.14	6.67	5.00	5.59	6.61
Pakistan	Hybrid regime	2019	6.08	5.71	2.22	2.50	4.71	4.25
2019: 108 2020: 105		2020	5.67	5.36	3.33	2.50	4.71	4.31

Source: Data compiled by author from the Economist Intelligence Unit, Democracy Index (DI 2020, 2021).

India's way of exercising power in the Kashmir Valley is not accepted among the majority of its inhabitants due to various socio-economic and political reasons. The situation escalates regularly, which perpetuates the endless cycle of violence. For Pakistan, the abuses and ongoing resistance in Kashmir serve as a propaganda tool to translate them into alleged Pakistani victories in winning Kashmiri support. The excessive militarisation and dispossession in the Valley (especially after the abrogation of Article 370 and bifurcation of IaJK in 2019), bolstered Pakistan's confrontational attitude and provided convenient excuse to reject any conciliatory actions toward India. The dissatisfaction of Kashmiris in the Indian-administered zone was again used to corroborate their leaning towards Pakistan and their purported dream of unification with their Muslim brothers. It is a gross misapprehension however, because Kashmiris from the Valley seem to be more inclined towards independence or autonomy.³⁷ According to Pakistan, Indian policy is aimed at disrupting the dialogue and escalating the skirmishes along the border. They incessantly emphasise that thwarting the peace process and a surge in ceasefire violations along the LoC is India's responsibility.³⁸

11.5 Strategic alliances with powerful actors

Pakistan's foreign policy during its entire existence since 1947, may be regarded as a unique example of the state-authorised continuity, that, regardless of regional and global geostrategic dynamics, retains its principal strategic goals: containing India and controlling Indian-administered chunk of Kashmir. The persistent security dilemma vis-à-vis India, reinforced by the first Kashmir war and projection of the powerful neighbour as eternal arch enemy with supremacist agenda, against which efficient defence strategy had to be implemented, were thoroughly incorporated into Pakistan's geostrategic objectives and shaped its cooperation schemes with powerful actors, such as the United States, and, later, China. Without these alliances and external support, Pakistan would not be able to pursue its revisionist policies vis-à-vis India and IaJK the way it did over the seven decades of the conflict. The Cold War realities that enabled strategically located Pakistan to be included into global rivalry, boosted collaboration with the United States, providing additional framework for a Kashmir-oriented, revisionist policy, pursued by Pakistani elites. The Mutual Defense Assistance Agreement between the United States and Pakistan was signed in May 1954 and paved the way to a long-term bilateral, asymmetric alliance, which turned into a cyclical patron-client relationship, highly depending on regional security dynamics. The strategic cooperation with Pakistan was a core tenet of John Foster Dulles' (the secretary of state in President Dwight D. Eisenhower's administration) policy of global aggressive anti-communism in the Cold War rivalry with the Soviet Union. Reading through declassified CIA documents from 1954 shows the circumspect attitude of the US authorities regarding their decision to grant Pakistan military aid. Washington assumed that

providing aid 'of modest proportions' to Pakistan would only temporarily worsen the US relations with India. At the same time, it was feared such aid would escalate the tensions between Pakistan and India, which was not in Washington's interest. Paragraph 3 of the CIA's special estimate from January 1954 provided that the US would: 'a. make every effort to reassure India that aid to Pakistan was not directed against it, and b. undertake to discourage Pakistani military aggression against Indian-held territory.'³⁹ The (accurate) apprehensions that the equipment might be used against India materialised in the Mutual Defense Assistance Agreement, signed in May 1954. Pakistan, desperately requiring military aid against India, agreed to participate in American strategy, but, unquestionably, the regional goals of these two allies differed significantly. For the United States, it was part of its global anti-Soviet strategy, for Pakistan—a chance to achieve military parity with India.⁴⁰ Nonetheless, knowing that certain conditions must be met, Karachi pledged not to undertake any act of aggression against any other nation and to use American weapons 'exclusively to maintain its internal security, its legitimate self-defence or to permit it to participate in the defence of the area, or in the United Nations collective security arrangements and measures.'⁴¹ The agreement evoked India's allegations against Pakistan of bringing the Cold War to South Asia.

The consent-based attitude of the Republican administration towards Pakistani generals strengthened the latter's position in determining Kashmir policy and was effectively exploited by Pakistani military establishment as a means to justify the army's role in political affairs.⁴² It empowered the military establishment to seize power throughout Pakistan's history: in 1958, 1977 and in 1999. Combined with oil-rich, Wahhābī Saudi Arabia's funding of violent *jihādism* and sectarianism and General Zia's radical Islamisation, this Washington-Riyadh-Islamabad alliance had a damaging effect on Pakistan. It politically mainstreamed extremists who imposed their narrative on minorities and all proponents of a modern, progressive and tolerant society. Pervez Hoodbhoy observes the impact of radicalisation process on the spiritual culture of Šūfī shrine, often evoked as a symbol of inclusiveness tolerance in Pakistan, which was aggressively confronted by the culture of mosque and fanatical mullahs with an 'approving gaze' of Ronald Reagan. 'A stern, unyielding version of Islam—Wahhabism—is replacing the kinder, gentler Islam of the Sufis and saints who had walked on this land for thousands of years.'⁴³ All Pakistani military dictators, from Ayub Khan to Pervez Musharraf, received significant financial support from Washington due to their engagement in American-led wars: first against the Soviets, then against the Islamists in Afghanistan. The US-Pakistani alliance substantially contributed the commencement and consolidation of the religio-praetorian system of power in Pakistan.

Kashmir has always been key pillar of Pakistan's international rhetoric and ideological framework for its policies vis-à-vis India. After 1989, when the war in Afghanistan ended and the insurgency in IaJK massively erupted, a new era of civil-military interactions within Pakistan was initiated,

with the former practically losing capacity to authorise and implement independently the country's foreign policies. The political leadership of Pakistan, led by Benazir Bhutto or Nawaz Sharif throughout the 1990s decade, was unable to wield control over the country's foreign policy. The civilian prime ministers ensured political support for the Kashmir cause, while the military establishment provided material and training assistance to the insurgent groups operating along the LoC. India identified Pakistan as terrorist-sponsoring state perpetuating 'covert war' in Kashmir.⁴⁴

The revisionist agendas of Pakistan in Kashmir and its Afghan 'strategic depth' policy, based on the practice of supporting radical Islamists, were ideologically constructed on unrealistic goals, with proxy policy overburdening Pakistan's economy and its limited resources, tarnishing its international reputation and affecting internal security. It gravely reinforced political instability, escalated religious extremism both within Pakistan and in the wider region. The army and the ISI took the Kashmir issue as their hostage, projecting it as framework for regional revisionism. The purportedly strong ties between Pakistan and the Muslim majority in the Indian part of Kashmir have been transformed into a crucial element of the advocacy of a pan-Islamic unity and the persistently revisionist⁴⁵ policies. From various sources, Pakistanis have many opportunities to hear or read about Kashmir, especially in the context of HR violations in the IaJK. Even though they have no chance to go there, almost all of them have heard about the plight of Kashmiris from the Valley and their 'struggle against the oppressor' for self-determination. Pakistani policymakers, both civilian and military, with the support of radical mullahs, have always vehemently defended Pakistan's rights to Kashmir. It originates in the self-ascribed ideological projection of Pakistan since its inception as a unique state (for Muslims), which entitles to defend the rights of Muslims worldwide (selectively, as the case of Uighurs shows) and to make territorial claims. Even politicians regarded as progressive took this narrative of sacrosanct national uniqueness by pursuing persistent struggle to achieve the goal. At the end of the Indo-Pakistani war of 1965, Zulfikar Ali Bhutto, the then Minister of Foreign Affairs, in his address to the UN Security Council on 22 September 1965, pledged that, if needed, Pakistan would keep on waging a 'thousand-year war' with India over Kashmir.⁴⁶

Since 2002, Pakistan's relations with the United States were defined by the so-called war on terror and substantially resumed cooperation, which awarded South Asian ally with a massive aid; till 2018 the Americans provided *inter alia* US\$9,689 million in economic assistance and US\$6,783 million in military aid, in addition to arms' sales worth US\$3,320 million, after Pakistan agreed to be a frontline ally against terrorism.⁴⁷ Following the elimination of Osama Bin Laden who found safe haven in Pakistan by the US SEALs, in May 2011, the relations with the United States, plagued with recurrent crises, gradually deteriorated. The US aid was heavily suspended over President Donald Trump's assessment in 2018 that Washington handed Pakistan more than \$33 billion in aid within 15 years while getting 'nothing in return'. Since the

cyclical clientelistic interaction with Washington has substantially waned and Americans are no longer major military aid and arms suppliers to Pakistan, the old, 'all-weather friend' China is expected to boost Pakistan's economy *inter alia* via the China-Pakistan Economic Corridor (CPEC) (*vide supra*, §10.6) and help bolster its position vis-à-vis India through enhanced military cooperation. Strategic and economic dependency on China is rising exponentially, which may hasten settling political situation in GB to secure and facilitate Chinese investments, by granting provincial status to the region, the CPEC's gateway to Pakistan. There are apprehensions expressed by the local communities that the CPEC-related massive investments will mostly enrich those already in power without being translated into genuine local socio-economic development. These concerns have to be properly addressed to tap into the CPEC's full potential. According to the Stockholm International Peace Research Institute, SIPRI, China accounted for 61% of Pakistan's arms imports in 2011–2015 and for 74% in 2016–2020.⁴⁸ Chinese leaders tactically declare support for Pakistan on international level and use this alliance as strategic tool to encroach South Asia while materialising their grand BRI project, and counterbalance India's domination. As Chinese interests are repeatedly targeted (by *jihādīst* groups and also by Balochi and Sindhi separatists), quelling local insurgencies and curbing Islamic terrorism in Pakistan and in the region, is currently growingly vital for Xi Jinping's regime. In 2016, Beijing blocked the Indian request for UNSC sanctions against Masood Azhar, a hard-line Islamist of the banned terror group JeM⁴⁹ and then repeatedly blocked the attempts to blacklist Azhar, even in March 2019, few weeks after the attack carried out by JeM killed 40 Central Reserve Police Force personnel in IaJK's Pulwama district. China finally dropped its opposition to listing Azhar as a UN-designated global terrorist in May 2019, manifesting its opposition to Islamic militancy. India considered it a diplomatic victory.⁵⁰

Kashmir issue remains a core pillar of Pakistan's international policy with its historically inherited ideological burdens, therefore, it will be particularly challenging to reconceptualise the official rhetoric vis-à-vis India in this regard. The multi-dimensional alliance with China, which largely resembles patron-client interactions, is regarded by Pakistan's stakeholders as a pathway to its upgraded position in the region, particularly versus India. Nonetheless, continued revisionism in IaJK, accompanied by simultaneous negligence of grievances from its own marginalised regions, including PaJK, and political mainstreaming of Islamic radicals with their *jihādīst* agenda may adversely affect Pakistan's domestic dynamics, its geostrategic performance, and relations with external powers.

Notes

1. KORBEL (1957: 43).
2. SWAMI (2003: 87).
3. JONES–FAIR (2010: 7).

4. The UN Security Council Official Records, 464th Meeting, 8 February 1950 (UNSC 1950). India had earlier made the same accusations of aggression perpetrated by Pakistani forces (UNSC 1948).
5. The semi-autonomous region of Federally Administered Tribal Areas functioned since Pakistan's inception. In 2018, Pakistani decision makers merged the erstwhile-FATA with the province of Khyber Pakhtunkhwa through the 25th Amendment to the Constitution of Pakistan (CIRP 1973).
6. CHOUHRY (2013: 74–79).
7. In: SHOAB (2013: 74).
8. As quoted by: SRRS (2017: 213).
9. AHMED (2013: 2), FAIR (2014: 97).
10. PANDE (2011: 22).
11. *Dawn* (2016-12-02).
12. SINGH (2018). More in the book co-authored by the former ISI chief, Asad Durrani, and the former R&AW chief, A. S. Dulat. DULAT–DURRANI–SINHA (2018).
13. GUPTA (2013: 19).
14. BEHURIA (2012: 72).
15. As quoted by: NOORANI (2013: 151).
16. *Dawn* (2016-09-22).
17. KHOSLA (2007: 250).
18. KUSZEWSKA (2016: 419).
19. GANGULY–KAPUR (2010: 15).
20. UNSC (2016: 1).
21. Resolution No. 8/43-POL. See OIC (2016).
22. MANGI–QAYUM (2020).
23. ALI (2019b: 44–45).
24. S/654.
25. S/726.
26. UNCIP (1948).
27. UNCIP (1949).
28. CIRP (1973).
29. AMIN (2010: 119).
30. BEHERA (2006: 201).
31. COHEN (2013: 134).
32. BUDANIA (2001: 261).
33. KOELBL (2020).
34. The Citizenship (Amendment) Act, 2019, excludes Muslims from acquiring citizenship for religious minorities fleeing persecution in Afghanistan, Bangladesh and Pakistan, who had resided in India before 2014.
35. UN Web TV (2020b).
36. UN Web TV (2020a).
37. BRADNOCK (2010).
38. Both sides accuse each other on multiple CFV's per year. BALCEROWICZ–KUSZEWSKA (2022b, §18).
39. CIA (1954).
40. MARKEY (2013: 3).
41. PIIA (1967: 151–155). Without much knowledge of South Asian socio-political specificity, Dulles was focused on his anti-communist campaign. He ignored the warnings of the British Foreign Secretary Anthony Eden against engaging in the Indo-Pakistani relations and arming one of the South Asian rivals. HAQQANI (2013: 68–69).
42. SHAH (2014: 207).

43. HOODBHOY (2008: 2–3), ZAIDI (2012: 87–88).
44. SCOTT (2011a: 63).
45. FAIR (2014: 19–23).
46. PURI (2012: 35).
47. Since 2002 Pakistan was also reimbursed over US\$14,573 million for logistic and operational support to US-led counter-terrorism operations via the Coalition Support Fund. ALI (2019a: 42–43). In September 2018, the Pentagon suspended the remaining US\$300 million in CSF-related aid to Pakistan for its failure to act against the Taliban.
48. The SIPRI data on arms trade: BALCEROWICZ–KUSZEWSKA (2022b, §15.1).
49. IE (2016-10-12), ICG (2007: 2–16).
50. ZHANG (2019).

12 Reframing Pakistan's domestic and international objectives

Agnieszka Kuszewska

Over 70 years after its inception, Pakistan is besieged by the army's political supremacy and plagued by violent Islamic radicalism, which largely succeeds in expanding its footprint in mainstream politics. The state is confronted with the necessity to critically assess the outcomes of its historically shaped, two-nation theory-based political legacy with communal rhetoric, India-centric security doctrines and territorial revisionism in Indian-administered Jammu and Kashmir (IaJK). Transforming domestic and foreign policies to address a plethora of socio-economic problems, strengthening its position and improving international image, intensely tarnished by long-lasting support for the *jihād*ist proxies, are persistent challenges for Pakistani decision-makers. It will be difficult to tackle these problems appropriately as long as the army-mullah nexus supported by the acquiescent politicians acts as the self-proclaimed 'guardian' of Pakistan's narrowly projected national interests, nurtures revisionism, undermines progressive politicians and civil society.

Islamisation ('Sunnisation') processes, bolstered particularly during General Zia ul-Haq era, have left an unprecedented imprint on Pakistani society and the state's policies by curbing moderate voices and empowering the radical mindset, inciting sectarian conflicts and fostering proxy campaigns in Afghanistan and Kashmir. Currently the army/ISI conglomerate, an actual key policymaker of Pakistan, seems balanced between two stools—it is neither theocratic nor secular. In a unique way, both elements overlap: religious zealotry and conservatism are mixed with a more moderate approach which was promoted by Pervez Musharraf regime. These two approaches are bound by ideologically projected mixture of nationalism and communalism, combined with privilege-oriented self-interest. Some army officers, including retired servicemen, appear highly Westernised, critical towards Islamic extremism, and their children often study at Western universities, but at the same time, they never publicly reject religious conservatism, renounce the ideology of the two-nation theory or the necessity to pursue territorial revisionism disguised by concern for Kashmiri Muslims from the IaJK. Kashmir Valley with its Muslim majority that 'belongs to Pakistan', and 'dangerous India' images are intentionally constructed as a platform to

mobilise people around belligerent nationalist campaigns, to justify high military expenditures, and to bolster antagonism versus India with simplistic, colonially inherited, binary scheme of Hindu-Muslim hostility. The PTI-ruled Pakistan further exacerbates these processes: institutionally and legally reduces the space for pluralist, critical assessment of current domestic and foreign policies, and ubiquitously projects enemies with 'anti-state' and 'foreign/Indian agent' narratives to curb dissent and the civil society in the name of exclusively framed national security paradigm. It also largely turns a blind eye or feebly reacts to far-right populism and inflammatory speeches by violent Islamist outfits, either newly established, or those, which once banned, continue to operate under different names. Effective policies aimed at countering extremists, barring them from occupying public space and entering political process are urgently needed if the decision-makers want to save Pakistan from being engulfed by recurring turmoil, violent agitations with blasphemy laws used as tool for exerting political pressure. In Pakistan the boundaries between radical Islamism and nationalism have been substantially and intentionally blurred, which brought about a plethora of socio-political challenges throughout the decades of the country's existence. The authoritarian tendencies of the ruling elites, which may enhance the risk of uncontrolled destabilisation brought by appeasing and mainstreaming of Islamists, undeniably pose the most serious existential threat to Pakistan.

The uncertain status of PaJK, resulting in temporary provisions, underpins the political, economic and social ambiguity and gives an exclusive opportunity to the authorities to pursue centralised control and to uphold authoritarian way of exercising power in these regions. Freedom House watchdog unalterably assesses PaJK in its annual reports as 'not free', where any activity deemed contrary to Pakistan's stance on Kashmir is heavily limited and activists subjected to systematic repressions.¹ The Punjabi-based leadership has perpetuated a relentless exploitation of PaJK's land, people and resources.² The lack of progress in resolving the dispute with India over Kashmir serves as a pretext for the state-led paternalistic rhetoric, marginalisation and deprivation of the indigenous inhabitants of AJK and GB of their fundamental rights and freedoms. Respect for human rights remains a profound challenge throughout Pakistan, but the situation is remarkably grave in PaJK where a democratic deficit prevails, local authorities are side-lined or corrupted by federal bureaucrats and state and non-state actors are engaged in maintaining political hegemony. Policy aimed at exercising ultimate control over the territories of PaJK with a state-supported demographic change—influx of migrants from Pakistani provinces (mostly Punjab)—contributed to enhanced Sunnī-Shī'a sectarian discord, particularly in GB, regarded as a strategically crucial gateway to China. Reframing legislative and normative practices vis-à-vis PaJK (and all marginalised provinces), eradicating the culture of impunity for HR violations, providing political rights and implementing development projects beneficial to local people should be treated as a fundamental necessity by

Pakistani decision-makers. By denying representative rights to all residents of PaJK and at the same time condemning India's violations, Pakistan's international credibility is gravely undermined. The abuses committed by the Indian state and its armed forces in IaJK are appalling, systematic and systemic, and should be rebuked, but Pakistan, as a consequence of its own misconduct, has no credibility or moral advantage on the issue.

Post-2008, democratic transition and three consecutive direct elections (2008, 2013 and 2018) in Pakistan, which provided transfer of power between civilian governments, did not facilitate democratic shift or strengthening civilian rule in shaping domestic and foreign policies. Both Nawaz Sharif and Imran Khan administrations failed to transform Pakistan's strategy vis-à-vis India and Kashmir and did not manage to curb the activities of Islamist radicals. In 2020, thanks to the initiative of Bilawal Bhutto Zardari, the political alliance of eleven opposition parties, including PML-N, PPP and JUI-F (Jamīyat Ulemā-e-Islām, Fazal faction), established the Pakistan Democratic Movement (PDM) to oppose Imran's government, which, as they claimed, was elected with the support of the military establishment. A JUI-F veteran leader, Maulana Fazal-ur-Rehman, a former pro-Sharia hardliner, who deradicalised his image by allying with moderate parties, a long-term staunch opponent of Khan and the army, became PDM's president. Shahid Khaqan Abbasi, the former Pakistan's Prime Minister (in 2017-2018) from PLM-N became the secretary-general of the PDM. The opposition leadership was not given to younger, more progressive politicians. During the protests some of the PDM members alleged election fraud and demanded the resignation not only of the Prime Minister but also General Bajwa and the ISI chief, General Faiz Hameed. Regrettably, the inter-party rivalry within the alliance resulted in a weakening of the opposition: the ANP (Awami National Party) and the PPP parted ways with the PDM in April 2021.

Time will tell whether the inheritors of Pakistan's decades-long rivalry between two major parties, Maryam Nawaz Sharif, the Vice President of the PML-N and Bilawal Bhutto Zardari the chairman of the PPP, deeply entangled into Pakistan's political complexities, will be capable to genuinely unite against undemocratic forces and implement a more progressive, constructive and rationalist policy towards India and the Kashmir issue. The conflict resolution and potential reconciliation with India would decisively deconstruct Pakistan's primordial defence security posture, yet it could recalibrate geopolitics-oriented objectives towards regional cooperation. Renouncing revisionist strategies in Kashmir is a vital element of this shift. Yet, Pakistan's policy, trapped in its history and postcolonial revisionist outlook, may be difficult to change in the foreseeable future. The two-nation-based strategy, claiming that being a Muslim state makes Pakistan exclusively responsible for the protection of Muslims' interests (albeit selectively, with sycophantic renouncement from condemning China for its dismal record of human rights violations of Uighurs) is well structured in the mainstream narrative.

The proxy campaign overseen by the military/intelligence establishment with the support of compromised civilian politicians has not only failed but it is also inconsistent with general Pakistani society's political and socio-economic interests. Materialisation of the goals of hawkish elements of the leadership led to the situation, where the state is beset with sectarian conflicts, radicalisation, and remains at loggerheads with India. Moreover, boosting largely clientelist relations and dependence on China, which aims to materialise its ambitions of expanding footprint in the region, may turn risky. The China-Pakistan Economic Corridor (CPEC) may strategically position Pakistan on the list of Beijing's transnational relationships, with structural encroachment of the Chinese model based on disregard for accountability, transparency, human rights and democratic values, and with safeguarding profits from the project to narrow stakeholders (including the army and its economic activity—what Ayesha Siddiqa coined as 'milbus'—as the facilitator of Chinese investments), thus bolstering hierarchical, socio-economic inequalities in Pakistan. To minimise this risk, independent experts should be admitted to perform unrestricted scrutiny over the CPEC projects to address the local, marginalised communities' legitimate rights and to protect Pakistani national interests vis-à-vis Beijing.

Pakistan faces the necessity to reframe its ideologically crafted objectives by competent political leadership in cooperation with rational segments of the military establishment and unprejudiced, moderate religious leaders to emerge as a modern state, capable of managing the existing and forthcoming challenges, such as sectarian terrorism on its territory, economic development across the country, addressing poverty and exclusion, implementing the FATF—Financial Action Task Force—guidelines. Pakistan's economic crisis was additionally accelerated by the COVID-19 pandemic with a long-time unseen negative growth in its annual GDP in 2020 (−0.4%, a significant fall compared with 5.5% in 2018 and 1.9% in 2019).³ According to the Asian Development Bank (ADB), as of April 2021, the economy showed slow signs of recovery with easing the restrictions; the GDP was predicted to grow by 2.0% in fiscal year 2021.⁴ During the pandemic, as in many other countries, the state's healthcare system revealed its malfunctions, with lack of access to professional care for millions of people. Remaining on the FATF grey list since June 2018 (fourth extension in early 2021), for failing to introduce measures to stop terror financing and money laundering, protracts Pakistan's international isolation, hampers its development and minimises chances of getting financial aid from the World Bank, the International Monetary Fund (IMF), the ADB or the European Union, further worsening the country's financial crisis. Nurturing Islamic radicalism and mobilising extremists around geopolitical goals in Kashmir have pernicious effects on Pakistan, tarnishing its image, unfairly and inaccurately shaping the perception of the whole Pakistani nation as belligerent, anti-Western, anti-India, and prone to fundamentalist behaviour. Meanwhile, apart from the radicalisation of certain portion of the youth,

another socio-cultural process runs parallel: a noteworthy number of young Pakistanis are alienated from bigoted, extremist version of Islam and either support moderate religious voices adhere to open-minded Sūfī traditions or reorient their outlook towards much more secular. Providing a widespread access to modern education, allowing pluralist debate over Pakistan's future with inclusion of its still vibrant civil society would foster the process of multi-dimensional geostrategic reorientation and accelerate socio-economic development.

The 'new' opening, pledged by Imran Khan, did not bring any change for better, with the army playing the first fiddle and not willing to change its course, despite General Bajwa's conciliatory posture in early 2021, when he declared the need 'to change the narrative of geo-political contestation into geo-economic integration'. Redirecting costly revisionism into social security and economic development-oriented approach is a necessary step, which, when delayed, will adversely affect Pakistan's domestic and international performance. It includes the abandonment of two-nation theory that serves as an excuse for territorial revisionism and an ideological framework to project security dilemmas in the 21st century. Also, Pakistan needs to address the grievances of marginalised groups in impoverished regions, including PaJK. To achieve this goal, the civil-military relations need to be reconceptualised and reframed with a purpose to introduce a more democratic and inclusive power-sharing system and a fair management of national resources. Of key significance is the accountability and transparency, especially in strategic crucial projects, such as the CPEC, which may bring benefits once appropriately managed, a civilian supervision over domestic and foreign policy by credible experts, capable to conduct reasonable socio-economic policy, tackle both the economic and energy crisis⁵, and develop mutually beneficial, peaceful relations with Pakistan's neighbours. Pakistani society needs enhanced regional trade, including restored cooperation with India, which is the sixth largest economy as of 2021, contributing 3.25% of the world's GDP. Pakistan's budget expenditures should be relocated to a more effective struggling with poverty, providing better health-care, quality education with equal access,⁶ innovation-oriented economy, with support for Pakistani companies in order to boost the employment rate and development. From the point of view of an ordinary Pakistani citizen, tackling all these challenges is much more critical than endorsing *jihādists*, projecting India as an arch-enemy and pursuing unattainable objectives in IaJK.

Notes

1. [FH AJK \(2020\)](#), [BALCEROWICZ–KUSZEWSKA \(2022a\)](#).
2. [BOUZAS \(2012: 86\)](#).
3. Data provided by the World Bank.
4. (ADB 2021: 269).

5. Pakistan's energy shortage affects every day life by gas and electricity outages, and hits key economy sectors, including textile, which partially shifted to Bangladesh. Garment and textile industry were additionally hit by halting production during the COVID-19 pandemic, with majority of workforce having no social security, unemployment allowances, etc.
6. Public sector expenditure on health is estimated only at 1.2% of GDP in 2019–20 (1.1% in 2018–19). The literacy rate (10 years and above) is 60% in 2019–2020 (stagnant since 2014–15). Cumulative education expenditures by federal and provincial governments in FY2020 stood at 1.5% of GDP as compared to 2.3 % in FY2019. Expenditures on education had been rising till 2018–2019, but in 2019–2020 they witnessed a decrease of 29.6%. PES (2020–2021: 201–205, 219).



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Part III

The role of Jammu and Kashmir in India's internal and international policies



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13 India's values focussed on Jammu and Kashmir

Piotr Balcerowicz

The Instrument of Accession of the State of Jammu & Kashmir (IoAJ&K), signed by Maharaja Hari Singh on 26 October 1947, opened a completely new chapter in the history of the whole region, comparable perhaps to the manner in which different, culturally, politically and historically unconnected territories had been amalgamated under the umbrella of the Princely State of Jammu and Kashmir (PSJ&K)¹ through the Treaty of Amritsar (ToA), signed on 16 March 1846 by the British East India Company and Gulab Singh of the Dogra clan.

This and subsequent chapters of [Part 3](#) analyse the multilayered role the State of Jammu and Kashmir (J&K) has played not only in India's domestic and foreign policies, ranging from its geographical, strategic location to its complex symbolic dimension, but also how it has conditioned the perception of India's politicians and political and social activists as well as the Indian society as a whole. India's stance on Kashmir has evolved until it reached the stage that Kashmir is no longer recognised as a disputed territory, and it is rather Pakistan and China that illegally occupy, respectively, the western (esp. the so-called Azad Jammu and Kashmir [AJK] and Gilgit-Baltistan [GB]) and northern (the northernmost Kashmir territories, known as Shaksgam Valley or the Trans-Karakoram Tract, ceded by Pakistan to China, and Aksai Chin) parts of PSJ&K which—through the person of Maharaja Hari Singh—had lawfully acceded to India as one undivided territorial unit. Treated (esp. in recent decades) as an integral and inalienable part of India, Kashmir has become a symbol of the secular democracy and territorial integrity of India, which has perceived threats to it both from the outside, primarily from Pakistan (Indo-Pakistani wars) and China (Sino-Indian War and recent border tensions), and from within, such as separatist movements (North-Eastern states, Tamils' Drāviḍa Nāḍu, Sikh's Khālistān, Kaśmīr, etc.), which India has attempted to combat through various military, legal-constitutional, political, economic and extrajudicial means.

Kashmir has always played an important role in the Indian psyche, which has wanted to project itself as secular, ergo fully democratic and modernist, forward-looking, unlike the undemocratic, military-controlled Pakistan, founded on religious slogans. This single Muslim-majority region (state)

within the Indian Union—which has a tradition of being a historical centre of Śivaism and a heritage of a distinct community of Hindu Kashmiri Pandits (*kaśmīrī paṇḍita*)—was to symbolise the secular and multicultural character of India. The questions of religious, cultural and ethnic identities constitute the backdrop to the examination of the problem of how India tries to explain the paradox of Kashmir's violence, insurgency, separatism and rejection of the Union that purports to create a political environment in which distinct identities can flourish, and how these issues influence India's politics in general and India's policies vis-à-vis Kashmir in particular.

The chapters of [Part 3](#) also address the question of how India formulates the issue of internal and regional security in relation to its perception of the so-called 'Pakistan-sponsored militancy and terrorism' in the context of Kashmir, and how this determines India's policy responses. It will also examine how the Kashmir conflict has shaped new identities in all the territories of PSJ&K, and how these influence the emergence of extreme nationalist and Hindutva ideologies in India and fashion India's new domestic policies and international strategy, in particular, with respect to direct or semi-direct (e.g. Afghanistan) neighbours. These different dimensions and goals have transformed Kashmir into bastion of an aggregate of nationalistic values, often contradictory, and an Indian pride which has to be defended at all cost, including the sacrifice of human rights.

13.1 The illusion of free choice

Under noticeable pressure from various actors, India was initially forced to treat the accession of PSJ&K as a temporary and provisional solution, until the issue of the future status of the territories could be resolved, most probably through some kind of referendum. As against the frequently repeated claim in India that the idea of plebiscite 'was not mentioned in the instruments of Accession',² the referendum was already explicitly included in Louis Mountbatten's official response to Maharaja Hari Singh, which was legally an essential part of the document exchange: without such formal acknowledgement of the Instrument of Accession, that latter would have no legal force. Formally accepting the accession of PSJ&K to India, the first Governor-General of independent India emphasised that the general policy of the Dominion of India was 'that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State', and further that the Government's wish was 'that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the State's accession should be settled by a reference to the people'.³ This stance was reiterated on a number of occasions for the next few years by Indian politicians in India's bilateral contacts with Pakistan, and also at the international level when India brought a case of what was termed a Pakistani-sponsored tribal invasion of J&K and the ensuing occupation

of the Western part of the territories by Pakistan before the UN Security Council (UNSC) in 1948.

Mountbatten's stance was in no way an imposition of a foreign postcolonial idea on the Indian mind or a violation of the free conscience of Indian politicians, such as Prime Minister Jawaharlal Nehru, who thoroughly endorsed such a non-confrontational policy in the case of any disputes involving minorities, especially Hindus and Muslims, which according to him should be based on the principle of compromise and agreement, and if this could not work, on the principle of mediation and arbitration by an external international body: '[All] questions directly affecting any minority's interests, ... should be settled by agreement and not by the greater voting power of majority. If such an agreement is not arrived at in regard to any particular point, it can be referred to arbitration to the League of Nations or the International Court at the Hague or any other impartial body mutually agreed upon'.⁴

Despite officially admitting the possibility of a plebiscite and allowing for some kind of arbitration, an expression of which was India's (i.e. Nehru's, following the advice of Mountbatten) decision to take the Kashmir question to the UNSC on 1 January 1948 to 'recommend appropriate procedure or methods of adjustments' (Art. 36) under [Chapter VI](#) of the UN Charter, instead of 'taking at any time such action as it deems necessary in order to maintain or restore international peace and security' (Art. 51) against Pakistan under [Chapter VII](#), such attempts at mediation were later turned down by India. For instance, in reaction to Resolution 91 (S/2017/Rev.1) adopted by the UNSC in 1951 and accepted by Pakistan, India rejected it because of the suggestion contained in it that called for arbitration in the Kashmir dispute. As Josef KORBEL (1954: 180) notes,

Pandit Nehru himself, at the beginning of 1950, suggested a "No War Declaration" with Pakistan, in which specific mention was made of settling all disputes "through recognized peaceful methods such as negotiation, or by resort to mediation or arbitration...". When, however, Liaquat Ali Khan made the more concrete proposal that the Kashmir dispute be arbitrated as well as other Indo-Pakistan issues, Nehru replied that the Kashmir dispute was "a non-justiciable and political issue and cannot be disposed of by reference to a judicial tribunal." India again based her whole stand on Kashmir upon the conviction that Kashmir was already a part of India, against which Pakistan had been an aggressor.

An official non-confrontational stance was, inconsistently though, maintained by the Government of India even as late as 26 June 1952, when Jawaharlal Nehru addressed Lok Sabha:

We are limited, inhibited by the United Nations, by this, by that. But, nevertheless, the basic thing still remains, that we have declared, and

even if we have not declared, that the fact would remain—that *it is the people of Kashmir who must decide* (italics—P.B.). And I say with all respect to our Constitution that it just does not matter what your Constitution says; if the people of Kashmir do not want it, it will not go there. Because what is the alternative? The alternative is compulsion and coercion... [T]he decision ... ultimately lies with the few million people in Kashmir, not even with this Parliament. ... Do not think you are dealing with a part of UP, Bihar or Gujarat. You are dealing with an area, historically and geographically, and in all manner of things with a certain background. ... We have to be men of vision and there has to be broadminded acceptance of facts in order to integrate really. And real integration comes of the mind and the heart and not of some clause which you may impose on other people.⁵

This was reiterated during a press conference in New Delhi on 24 July 1952, in the presence of Sheikh Mohammad Abdullah: ‘the original assurance was that the people of Kashmir will decide about the future. The next step to that was that the plebiscite should be held. Well, we stand by all those things. ... we have given them an assurance and we stand by it’.⁶

13.2 A policy of *faits accomplis*

At the very same time, in a secret letter sent to Sheikh Abdullah on 25 August 1952, Nehru contradicted the gist of his Lok Sabha address by ruling out any possibility of a plebiscite in Kashmir altogether, underlying the indivisibility of the territories of PSJ&K, pointing to the policy of *faits accomplis* as his strategy in Kashmir, admitting to his actual opinions which contradicted his official statements and confessing that public pledges were meant for international consumption.⁷

The turning point marking the shift in official policy was the events between 1951 and 1954 that made a logical sequence of such *faits accomplis* and that led to the actual complete domination of the political sphere in J&K by the Government of India.⁸ The first was the formation of the Constituent Assembly of Jammu and Kashmir on 31 October 1951, as a result of Jammu and Kashmir National Conference’s call to convene such a body on 27 October 1950. This created an official space which, as the Government of India alleged, gave the final say about the future shape and affiliation of the State of J&K with India to the Kashmiris not directly but mediated through the ‘elected’ Constituent Assembly, the legal stature and representative character of which was most problematic.⁹

The second act was the surprising arrest of Sheikh Abdullah, once the principal architect of the accession of PSJ&K to India, on 8 August 1953, under charges related to the Kashmir Conspiracy Case. This eliminated a committed proponent, alongside six other members of the National Conference Working Committee, of the plebiscite and of the possible independence of

the Kashmiri State.¹⁰ On 9 June 1953, The Working Committee adopted a hierarchical order of preferential solutions to the Kashmir dispute, with '(a) Overall plebiscite [...], (b) Independence of the whole State, (c) Independence of the whole State with joint control of foreign affairs, (d) Dixon Plan with independence for the plebiscite area',¹¹ with only Bakshi Ghulam Mohammad (who soon later engineered a coup and was nominated the Prime Minister of the State after Sheikh Abdullah's arrest) in favour of (d) as the prime option.

The third consequential event was the unanimous ratification of the accession of Kashmir to India only by the (unarrested) members of the State's Constituent Assembly (with no claim to be a democratically elected representation of the Kashmiris) who were present at the 15 February 1954 session. The drafting of the Constitution of Jammu and Kashmir and its coming into force on 26 January 1957 sealed the whole process of the State's integration with India. Thereafter, the political parlance and semantics concerning the Kashmir debate radically changed, and the official stance of India has remained constant until the present: the State of J&K is irrevocably a part of the Union of India, the solution backed by the indigenous voice of the Kashmiri people expressed through their legal representatives.¹²

A clear expression of this metamorphosis was the speech delivered by the Union Home Minister, Govind Bahadur Pant in Srinagar on 8 July 1955, which practically recognised that the process of integration of Kashmir with India was an accomplished fact and could not be reversed, to the 'consternation and dismay' of the leaders of AJK and Pakistan¹³:

We made certain statements when Kashmir acceded to India which cannot be denied. But ... [m]any things have happened since then. During these eight years Kashmir has been following a certain policy for its advancement and many development schemes are in progress. Pakistan has entered into a military alliance with America. The Constituent Assembly of Kashmir which was elected on the basis of adult franchise has taken a definite decision. Resolutions passed by the Jammu and Kashmir National Conference on the eve of the elections to the Constituent Assembly and the inaugural address delivered by Sheikh Abdullah made it abundantly clear that the Constituent Assembly had been constituted primarily for the purpose of determining and deciding this vital issue. ... the tide cannot be turned now. This relates to that part of Jammu and Kashmir which is with us. The other part has not made its choice so far, people there perhaps have not been given the opportunity to do so. ... The Pakistani Government has failed to agree on any reasonable conditions for a plebiscite, nor do I see any possibility of its agreeing to any.¹⁴

The process culminated in a marathon speech (the longest ever in the history of the United Nations) delivered by V.K. Krishna Menon at the UN Session

on 23 January 1957, which influenced UNSC Resolution 122 adopted the next day. In line with the spirit of the new official stance, [MENON \(1958: 119\)](#) explained that by adopting the Constitution, the Assembly merely confirmed what had already become an established fact: ‘The Constituent Assembly of Kashmir did not establish any new relations between the constituent State of Kashmir and the Union of India. It did not create anything. It was what the international lawyer calls a declaratory act rather than a creative act. As I say, it created no new relationship. That relationship had existed for a very long time’.

13.3 The twelve pillars of India’s stance *vis-à-vis* Kashmir

What was once forthrightly expressed by Nehru in a personal note to Sheikh Abdullah, gradually became the standard official position, the rationale for which was additionally buttressed by later developments. The main points which defined both Nehru’s unofficial and public views, as they transpire from his speeches and correspondence, and shaped India’s official stance *vis-à-vis* the territories of PSJ&K, could be summarised as follows:

- 1 The accession of *all* PSJ&K to India was final, complete and irreversible. Maharaja Hari Singh was fully entitled to take the decision, which was legal and binding, and which requires no additional justification.¹⁵
- 2 Not only is there no need for a plebiscite but such a referendum would go against the spirit of the original Instrument of Accession; hence, there would be no legal room for it. In addition, in 1951, Kashmiris elected their Constituent Assembly which drafted the Constitution of J&K, and, thereafter, they regularly exercise their vote, which makes any plebiscite redundant and completely unnecessary.
- 3 The occupation of the western part of the State of J&K by Pakistan is illegal. It is India and no other political entity that has the legal claim to these territories.
- 4 J&K, i.e. the eastern territories of PSJ&K, form a permanent part of the Union of India. The Kashmiris have their legitimate political representatives, an elected Constituent Assembly (between 31 October 1951 and 17 November 1956), their own Constitution, their elected bicameral Parliament (Legislative Assembly and Legislative Council) and their own government within their own autonomy. Consequently, ‘the Government there can more definitely speak on behalf of the people of the State’, not the Government of India.¹⁶
- 5 India has always respected the autonomy of the Kashmiris and ‘the basic position’ was ‘that we will not take any step which might be considered a step in the nature of compulsion or coercion, that everything should flow with the consent of the people concerned’.¹⁷ The Kashmiris have the final say. Also, out of respect and with the view to preserve the integrity of J&K, the Government of India accepted special citizenship

- privileges for the Kashmiris under the state subjects notification so 'that Kashmir would [not] be overrun by people whose sole qualification might be the possession of too much money and nothing else, who might buy up and get the delectable places'.¹⁸
- 6 The partition brought large scale disaster, which also embraced PSJ&K. Having in view the tragedies and atrocities, and that Pakistan was not and would never be willing at any point to cede the illegally occupied lands to the only lawful legatee of the territories which is India, India would be ready to 'accept more or less the *status quo* ... for the sake of peace and a settlement'.¹⁹
 - 7 Kashmir is not the basic cause of friction and conflict between India and Pakistan, rather 'it is a resultant of that basic conflict, though, undoubtedly, it has added to it'.²⁰ The Kashmir question is instrumentalised by Pakistan in its policies towards India (but later also towards other states, such as China).
 - 8 'Jammu and Kashmir State is of importance, both from the strategic and other points of view', to India and Pakistan. 'Purely from the point of view of India's national interest', India cannot agree to see the Indian-administered zone (IaJK) ever go to Pakistan.²¹ Indirectly, this excludes the idea of a plebiscite, which would naturally also include an option of Kashmir becoming a part of Pakistan.
 - 9 The Kashmir debate is a *bilateral* issue between India and Pakistan, which leaves no room for any arbitration or mediation in the conflict. Even 'The United Nations cannot override our wishes in this matter'.²²
 - 10 J&K and the Kashmiris have benefited from their association with India: the feudal system and social injustice was abolished (unlike in Pakistan which continues to maintain it) as a result of the 'inspiration from the great nationalist movement of India',²³ which eventually led to the unprecedented development of Kashmir. This would be impossible in Pakistan.
 - 11 India saved Kashmir from chaos and turmoil, where 'before [Indian] forces reached there, ... the administration of Kashmir had completely collapsed'. Kashmir and the Kashmiris are indebted to India for their peace and stability.²⁴ And it was India's duty to protect Kashmir,²⁵ which justifies the presence of Indian troops in the State.
 - 12 The major problem is the militarisation of the region and of the so-called Azad Kashmir occupied by Pakistan. The solution of the Kashmir debate should involve the demilitarisation of the region and the withdrawal of Pakistani troops, which pose a serious threat to Indian security.²⁶

The most conspicuous feature of such an approach was that no room was ever left for the actual self-determination of the local population or for any consultation about their aspirations. India consistently viewed the question of J&K primarily in territorial terms, and the population was just an uncomfortable inventory deposited on the controlled territory at best, or an

obstruction of the plans of the great nationalist movement of India, an inventory which should not be fully trusted and given the privilege of self-rule.

13.4 The territorial integrity of India and other core values

The main factor underlying all the aforementioned considerations has always been the imperative to preserve the territorial integrity and political unity of the Republic of India at any cost, a value enshrined in the UN Charter. Any potential action from within (undertaken by the local population of their own will or at the instigation of an external force) or from without (an external country, a military alliance or militants supported by it), which was either directly aimed at dismembering the Union of India or potentially carried a risk of undermining it, or which smacked of secessionist tendencies, was viewed as a potential threat to be prevented. Any open military conflict or simmering tensions at or near to the borders of India, or territories adjacent to them, could potentially transform into a secessionist conflict that could in turn challenge the territorial integrity of the Republic, which ascribes to itself the paramount right to safeguard that integrity in accordance with Article 2.4 of the UN Charter²⁷ and numerous other acts of international law.²⁸ From the moment of Indian independence, ‘it was imperative for the Congress to exert itself to its utmost to preserve the territorial integrity of India’,²⁹ and this reflected the consensus among the vast majority of Indian politicians. The concept of territorial integrity involves the exclusive sovereignty of a particular state over its territory, and this understanding became an unquestionable principle of international law following the Treaty of Westphalia in 1648 (in particular with respect to the idea of nation states), which in turn informed the concepts of the modern states of India and Pakistan as offshoots of the British legal order. Neither the Republic of India nor the Islamic Republic of Pakistan is a nation-state in the true sense but both appear to artificially construct their respective identities as if emulating the concept of a nation-state and the corresponding ‘nation’ on which their respective identities are claimed to be founded. Exclusive sovereignty—both in general and in the particular cases of India and Pakistan—is not restricted to the territory of the state *per se*, which is considered one of the state’s fundamental assets, but extends also over certain core values adopted by the state (or by the nation alleged to correspond to it), which are asserted to derive from the history and tradition of the state (or the nation), but which, in fact, are instituted and maintained to provide a cohesion to the (nation) state. Accordingly, territorial integrity is one such core value, beside broadly understood sovereignty, national integrity (cohesion) etc.

13.5 Affective factors and correlates of territorial integrity

The concept of the territorial integrity of the state further entails at least certain correlated affective variables of an axiological dimension, all of which determine how the state perceives various political forces, actions

and developments. The first is *fear*,³⁰ which is a reaction to a perceived threat to the state's sovereignty, territorial integrity or national integrity (cohesion) coming from within or without and can be rationalised as a security-motivated concern, politically manipulated at domestic or international levels. For instance, various regional groups advocating local autonomy and certain pro-democratic changes in the political system or dissenting political parties and groupings opposed to the political mainstream or the ruling establishment can be classified as such threats to national integrity, or even territorial integrity, which leads to anxiety, and any actions by external agents (neighbouring states or inimical political or military alliances, political organisations or militant groups considered to be sponsored by such agents) would be similarly categorised.

The second variable is *honour*,³¹ or national honour, which involves both self-esteem and a demand for due respect to be paid by other political actors. A concession of the state's territory to an adversary or acceptance of interference in domestic affairs by a third party would be perceived as a symptom of the state's impotence, worthlessness and weakness, even a harbinger of its disintegration. An act of dishonour and disrespect would certainly include any symbolic action which could be interpreted, for instance, as an insult to the national flag, the anthem, the constitution or a mythologised vision of national 'history' (based primarily on certain events from the national history that were either actual or idealised in order to construct a noble and pure version of national history as an integral element consolidating the nation around such mythologised events), known as history politics (*Geschichtspolitik*).

Another affective factor is *mistrust*, which determines how actual empirical variables and premises are perceived, analysed, rationalised and reciprocated. As a result, it practically hinders the likelihood of rapprochement with actual, potential or imagined adversaries and of any successful peace talks with all the parties involved (in the case of J&K: such as the Pakistani leadership, genuinely local or Pakistani-sponsored terrorists and militants, Kashmiri politicians and the population, etc.). Related to this is the category of prejudice that engenders the symbolic formation of the (mostly imagined) political 'out-group' consisting of any states, nations, groups, parties and individuals which are differentiated from the 'in-group' (the state's mainstream political establishment) on the basis of religion, ethnicity, nationality and historical background and informs the pattern of analysis and interpretation of intentions, motives, abilities, natures, etc. of such an out-group, by ascribing to the members of the out-group base intentions and backtracking their actions to such inferior motives.

Prejudice is naturally accompanied by the process of stereotyping, which ultimately strengthens the mistrust. In the case of J&K, the members of the political out-group can include anyone potentially related (through religion, world-view, ethnicity, language, historical background and political opinions) to Pakistan or to the cause of an independent Kashmir, ranging from citizens of Pakistan and

Muslims as a whole to popular Kashmiri protesters and human rights activists. A combination of these affective factors moulds how the state exercises its right to defend its territory (irrespective of the wishes of the population inhabiting it, which can also be viewed with suspicion) in order to safeguard its territorial integrity.

These affective factors may, and in the case of J&K do, add a disproportionate value to the category of the state's territory and blow the real importance of the state's chunk of territory (3% of India) out of proportion. They also explain how the state can attempt to justify its policies and coercive measures with respect to a part of its territory which are otherwise unjustifiable, such as the degradation or inhumane treatment of the local population inhabiting such a problematic section of the state's territory in a way resembling the occupation of a foreign nation and territory with brutal military force accompanied by the enormous presence of the military and paramilitary. Territorial integrity is viewed through the prism of such additional affective factors and is consequently reduced to sheer territoriality, in which the welfare of the population inhabiting it no longer counts or is degraded to a role inferior compared to the value of the territory. This is certainly the kind of experience most Kashmiris living in J&K (but also in AJK) have endured both at their individual and group levels, deprived of a number of their basic human and citizen rights.

Actions undertaken in the name of defending and preserving the state's core values can be, and often are, officially and declaratively justified *also* with the well-being, prosperity and security of the local population as an aim, as has happened in India whenever military operations have been launched, whether to fight Pakistani troops during Indo-Pak wars, or militants during the post-1989 insurgency or the Kargil War: 'Although India fought its battles on the Kargil heights in the name of protecting the "territorial integrity" of the country and reaffirming Kashmir's status as an "integral part" of the Indian Union, most people in IJK felt thoroughly estranged from the battles being waged with such fervor *in their name* (italics—P.B.).'³² Further, seen through such a prism of affective factors, the concepts of sovereignty, territorial integrity, and related to these—national integrity (cohesion), easily translate into actual practice in which all opinions that dissent from the political mainstream of the centre are viewed as detrimental to these values and the inhabitants of a conflict-affected region are treated *en masse* as potential insurgents unless they can prove otherwise.

The desire to preserve the territorial integrity of India so understood can be seen at almost all historical stages of the Republic of India's approach to Kashmir, save the very few months after IoAJ&K had been signed by Maharaja Hari Singh in 1947. For instance, the seminal Kashmir Accord (KA),³³ which was supposed to open a new chapter in the relations between Srinagar and Delhi, sealed the concept of India's territorial integrity with the State of J&K being 'a constituent unit of the Union of India' (KA, Art. 1), with the stipulation that India's 'Parliament will continue to have power to

make laws relating to the prevention of *activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult* (italics—P.B.) to the Indian National Flag, the Indian National Anthem and the Constitution' (KA, Art. 2). It thus not only aimed at preserving territorial integrity but also at preventing 'insult', as one of the elements included above under the affective factors, namely honour.

A large number of other J&K-relevant legal regulations also pertain to the same core values. For instance, the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1987 defines 'disruptive activity' as 'any action taken, whether by act or by speech or through any other media or in any other manner whatsoever, (i) which questions, disrupts or is intended to disrupt, whether directly or indirectly, *the sovereignty and territorial integrity* (italics—P.B.) of India' (TADA, Sec. 2(1)). Similarly, The Prevention of Terrorism Act (POTA) of 2002 refers to 'terrorist act' as entailing the 'intent to threaten the unity, integrity, security or sovereignty of India' (Sec. 3(1)). In fact, such provisions as contained in TADA, POTA and a number of other documents are reserved for the Indian Parliament, which is to make laws that—as far as they concern the prevention of disruptive activities, terrorist acts and terrorism, all understood as directed against the sovereignty and territorial integrity of India—are contained in the Indian Constitution, which makes them applicable to J&K in a modified version through Article 248 (as in Appendix 1, The Constitution [Application to Jammu and Kashmir] Order, 1954).³⁴ As with other laws, the clause not only refers to territorial integrity but also to other core values it entails.

Notes

1. The new creation should not be treated as an extension of the earlier Kaśmīr Subāh of the Moghuls.
2. See, e.g., AKHOURI (1987: 125).
3. Cf. BALCEROWICZ-KUSZEWSKA (2022b: §§ 9, 11). See also LAKHANPAL (1965: 57), LAMB (1991: 137, 1994: 44), NOORANI (2011: 43).
4. NEHRU (1941a: 366–367). See also KORBEL (1954: 179).
5. NEHRU (1996, 18: 418, 421), reproduced also in NOORANI (2013: 87).
6. NEHRU (1996, 19: 242); repeated also before the Parliament (7 August 1952), see NEHRU (1996, 19: 287).
7. NEHRU (1996, 19: 322–330): 'it became clear to me then that we would never get the conditions which were necessary for a plebiscite. Neither side would give in on this vital issue, and so I ruled out the plebiscite for all practical purposes' (p. 322); 'I see no change or whatever of any proper plebiscite determining the question, because the plebiscite itself raises highly controversial issues ...' (p. 326); 'Certain alternatives have been mentioned, such as independent State of Jammu and Kashmir. I think that this is inconceivable, and what is worse it will mean not peace or normality, but continuing tension and conflict between various forces in and out of Kashmir, because Kashmir is so important strategically that these forces will try to control the so-called independent Kashmir' (p. 327); 'any idea of separating the valley from Jammu and Ladakh or of separating Jammu from

- the rest must be given up as leading to disaster' (p. 328); 'Our general outlook should be such as to make people think that the association of Kashmir State with India is an accomplished and final fact, and nothing is going to undo it' (p. 330); 'I have held these views concisely and precisely for the last four years' (p. 330), i.e. since 1948. See also NOORANI (2013: 87–88).
8. On India's policy vis-à-vis Kashmir under Nehru, see KUMAR (2012: 149–155).
 9. BALCEROWICZ–KUSZEWSKA (2022b: §§ 9–10).
 10. SCHOFIELD (1996: 167–171, 183–185).
 11. NOORANI (2011: 228).
 12. One can also justifiably argue that the irrevocability of Kashmir's status as a part of India came with 'the ratification in 1954 of the accession of Jammu and Kashmir to India by the Kashmiri Constituent Assembly', see: WIRSING (1995: 59).
 13. GUPTA (1966: 294), see also AKHOURI (1987: 109).
 14. *The Hindu*, 19.05.1955, and GUPTA (1966: 293–294). Ironically, Sheikh Abdullah referred to by Govind Bahabh Pant had already been in prison for two years.
 15. NEHRU (1996, 19: 238, 270).
 16. NEHRU (1996, 19: 217, 232).
 17. NEHRU (1996, 19: 231–232).
 18. NEHRU (1996, 19: 234).
 19. NEHRU (1996, 19: 324, 326).
 20. NEHRU (1996, 19: 325).
 21. NEHRU (1996, 19: 326).
 22. NEHRU (1996, 19: 326).
 23. NEHRU (1996, 19: 220, 233).
 24. NEHRU (1996, 19: 224–225, 270).
 25. NEHRU (1996, 19: 287).
 26. NEHRU (1996, 19: 227–228).
 27. 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations'.
 28. See, e.g., Resolution 2625 (XXV): Declaration on Principles of International Law on Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, adopted by the UN General Assembly 24 October 1970, which reiterates: 'Nothing in the foregoing paragraph should be construed as authorizing or encouraging any action which would dismember or impair totally or in part, the territorial integrity or political unity of sovereign and independent States'.
 29. See Jyoti Bhusan DAS GUPTA (1968: 48), and also (1968: 250) on the emphasis on 'the inviolability of the territorial integrity of India, of which Kashmir formed a part' in the context of Krishna Menon's speech at the UNSC meetings in 1957.
 30. Cf. HOYT (2003: 95).
 31. Cf. HOYT (2003: 96).
 32. BOSE (2003: 272).
 33. Finalised by Mirza Mohammad Afzal Beg and G. Parthasarathi on 13 November 1974 in New Delhi and made public jointly by Indira Gandhi, as the Prime Minister of India, and Sheikh Mohammad Abdullah, as the Chief Minister of Jammu and Kashmir, on 24 February 1975. For text and analysis, see: NAJAR (2007). Cf. also LAMB (1991: 306 ff.), NOORANI (2011: 402–414).
 34. Cf. also CONSTANTIN–KÖSSLER (2016: 26).

14 Creations within creations and their fears

Piotr Balcerowicz

14.1 Artificial creations in South Asia: India and Pakistan

Such fears that relate to territorial integrity and national cohesion are not unsubstantiated in the case of both India and Pakistan, which share the same history. In the political sense, both the contemporary political entities of the Republic of India and the Islamic Republic of Pakistan are artificial creations in the sense that they do not correspond to any nation which would invest either of them with a sense of national identity and which could provide them with a sense of a more natural cohesion than an incidental result of the 1947 partition of the British Rāj and the mosaic of almost 600 princely states. Prior to this, no political or cultural entity that would even roughly correspond to the borders of the present-day India (or Pakistan for that matter) had existed, and any attempt to link modern entities to their political predecessors in the Indian subcontinent finds a weak and ahistoric justification. The largest empire that existed prior to the two Islamic empires—the Delhi Sultanate and later regional empires (1206–1526), with its most extensive incarnation during the Tughlaqs (1330–1335), and the Mughal Empire (1526–1857)—was the Maurya Empire (c. 320–185 BCE) which, even under Aśoka (c. 268–233 BCE), did not extend to the South beyond the cluster of Brahmagiri–Jaṭiṅga–Rāmeśvara–Siddāpur in the central Deccan¹ but encompassed the areas as far as the present-day Afghanistan and Pakistan, albeit at the same time it exercised effective control only over major transport routes and garrison towns, with probably 90% of its territory beyond the actual reach of the central power. The Gupta Empire (c. 320–550 CE) was incomparably smaller in extent. The Vijayanagara Empire (c. 1346–1565) never reached the regions north of the Deccan, whereas the influence of the Chola Empire (985–1279), restricted to the South, extended as far as Sumatra and Java.² The political realities in terms of the exercise of political control over a territory hardly ever translated into any social, cultural or even religious cohesion of the populations under a particular ruler. As ideological points of reference either for Pakistan or India to construct their distinct national identities, none of these historical empires even partially overlaps with either of the modern arch-rivals. Historical frontiers intersect

with modern-imagined national identities to the extent that none of them can be 'appropriated' by either of the successor states in their entirety. In other words, it is a sheer impossibility to found modern identities of either India or Pakistan on ancient, medieval or early modern political entities and their frontiers that existed in South Asia, inasmuch as both are the constructs of the 20th century alone.

In the linguistic sense, it is worth recalling an old Hindi proverb: *kos kos pe pānī badle, cār kos pe bānī* ('Water changes with every single *kos* (c. two miles), language with every four *kos*'). As CARDONA-JAIN (2003: 47) point out, 'There is no agreement on the number of languages or dialects spoken in the [Indian] subcontinent',³ and these all fall into five major language families (Indo-Aryan, Dravidian, Tibeto-Burman, Austro-Asiatic and Iranian).

In a cultural sense, the diversity of the Indian subcontinent is immense. Various arrangements of social stratification, including caste systems, tribal units, structures of customs and social institutions, etc. extend over regions and cut through political borders, but none of them encompasses the whole territory of either India or Pakistan. Many of these systems and institutions are often common to various religious groups, e.g. both to Hindus, Muslims, Sikhs and Jains.

Even vegetarianism in India, politically projected to be a food habit unifying most Indians, is extremely diverse in different provinces and Indian social groups, with most north-eastern states having less than 2% incidence of vegetarianism, Assam, West Bengal and Kerala with an incidence of less than 5% and Haryana, Rajasthan and Punjab with an incidence of over 75%.⁴

In the religious sense, there are approx. 205 million Muslims in Pakistan, 190 million in India and 150 million in Bangladesh. There are more than one billion Hindus in India, enjoying a majority of 79.8% of the population and 25 million in Nepal with an even higher percentage of Hindus (81.3%), 15 million Hindus in Bangladesh and almost 50% of the whole population being Hindus in distant Mauritius. However, Hinduism has been extremely heterogeneous to the extent that one can speak rather of an invention of Hinduism in modern times,⁵ inasmuch as it has been defined primarily in negative terms: 'one is a Hindu if one was born in India and behaves like a Hindu, if one does not identify oneself publicly as a Christian or a Muslim'.⁶ Historically, Hinduism has always been an amalgamation of numerous local religious cults which often had hardly anything in common. There has been a strong tendency to superimpose a mainstream version of Hinduism over the plethora of local cults and to override local deities, cults and even aesthetics with the mainstream ideas which now find strong backing from various right-wing and Hindutva political groupings. In present-day India, we observe strong tendencies to construct a new Hindu political identity, which draws new lines of self-identification which would radically differentiate one from everything tinged with a Western influence, classified as colonial or postcolonial bias, and most importantly, from Islam in all its

forms, including religious practice or historical monuments.⁷ Even the Tāj Mahal becomes a victim of such tendencies⁸ and there are calls to pull it down,⁹ as it happened with Babur's Mosque (Bābrī Masjid) in Ayodhyā.¹⁰ These tendencies have existed in the subcontinent since the first decades of the 20th century and triggered the processes which eventually led to the partition in 1947.

The political Muslim identity was even more enhanced in Pakistan after the 1971 partition of the country and the independence of Bangladesh, which clearly demonstrated that superficial identities based on one religion do not provide enough cohesive force to keep the vast territories together. It should be remembered here that just as 'Hinduism' represents a large spectrum of local beliefs, customs, practices and identities artificially glued together into one religion, or ancient and medieval traditions appropriated by 'Hinduism' due to political reasons, so is the case with Islam in South Asia. We can also speak of a number of 'Islams', which do not necessarily refer only to such standard divisions as the Sunnīs, Twelver Shī'as (Ithnā'sharī) or Ismā'īlīs but also comprise various distinct Muslim identifications such as those provided by the Barelvī, Deobandī and Wāhhābī movements and not only other Muslim communities such as Aḥmadīya but also by culturally rich local and regional traditions which can hardly be assimilated into one unified Islam. The Ghānchī and Da'udīyya Bohrā (Dawoodi Bohra) Muslims of Rajasthan and Gujarat have much more in common with the Hindu Modh-Ghānchī-Telī community, to which Narendra Modi also belongs, than with the Māppilas of Kerala (Malayālī Muslims), who, in turn, share their identities with the Hindus of Kerala much more closely than with the Hindus of Modi's Ghānchīs. Similarly, the Qureshī, the Gujjar (Gurjar), the Jāt, the Qassab, the Anṣārī and other castes and professional groups¹¹ reflect a great range of distinct cultural identities among the Muslims of India, which can by no means be reduced to one common denominator.

Similar tendencies to construct new identities based on the revived concept of 'Hinduness' (*hindutva*) have been occurring in India in recent decades, which faces parallel changes in society and politics to those that were first triggered in the 1930s and 1940s and then reignited in Pakistan with new vigour after 1971, in the eras of Zulfikar Ali Bhutto and Zia ul-Haq, in order to preserve a sense of unity. These have led to profound changes in the life of Pakistan, including a strong Islamisation of most of its institutions and a noticeable tilt towards religion within its Deep State, or the shadowy Establishment, which has been controlling all military aspects, politics and the economy, and which had used to be generally secular and areligious. As if echoing the developments in Pakistan, detrimental to its survival, the national or (imagined) historical 'Indian' identity is merged with another one, drawn from Hinduness, which blends the social and religious dimensions of religious identity informed by Hinduism with a political identity, which by nature has to be exclusive, eliminating all that is 'not Hindu' in two meanings: all that is not related to Hinduism in a religious sense and all that

does not correspond to the values associated with Hindutva in a national, cultural and political sense or in terms of worldview and style of life. Both the similar processes of Islamisation and Hinduisation in South Asia, which have a natural propensity to radicalise and to prey on each other, create tensions of an internal character within states and also add adhesive power to various autonomous or secessionist tendencies, which is relevant in the analysis of Kashmiri identity seen by Kashmiris themselves and by *other* ethnic groups living in J&J (often with a Kashmiri identity superimposed on them, such as the Pahārīs) as well as by Pakistan and India.¹²

Such unifying ideas as that of the Ārya, or the ‘noble’ resident of the Āryāvarta, and the concept of Dharma, or the social-moral normative principle and social practice based upon it, which were traditionally projected onto a large part of South Asia by elite Brahmanical thinkers, were not historically speaking a centripetal force that would carry a political unifying pressure overriding local identities and regional political units. Basic determinants typically defining a national identity, such as the same language, culture, religion, beliefs, customs and system of values are missing in India, and Pakistan for that matter, both of which can be considered ‘nation states by accident’,¹³ but at the same time, such determinants are present at regional and local levels which political borders seek to artificially separate. How can one, therefore, construct clear-cut national borderlines in South Asia capable of delineating distinct cultural, religious, ethnic and political identities with such an immense overlap of these factors? An important exception is the state administration, political system and the military and police forces, which all not only provide for a range of patterns of social organisation and institutions as well as for cognitive, behavioural and relational structures, but also open the possibility for large-scale migrations (for instance employment-related) and significant demographic shifts within the country. However, administrative and military establishments are much more volatile determinants and as such do not carry a sense of cultural identity necessary for any state, especially a nation state, which they themselves have to derive from cultural determinants. Such vast cultural, ethnic, linguistic and religious diversity is, therefore, prone to retain, perpetuate and strengthen centrifugal tendencies in India and in the subcontinent.

14.2 Jammu and Kashmir as an artificial creation

The historical structure of PSJ&K is in many ways a reflection of the Republic of India, with its lack of religious, cultural and historical homogeneity. The linguistic composition of the territories of PSJ&K comprises around two dozen languages, such as Balti (sBal-ti/Baltī, or Bhoṭiā), Changpa/Champa (Byang-pa), Dogri (Ḍogrī), Drokbat (‘Brog-skad)/Drokpa (‘Brog-pa), Gujratī, Gujarī/Gojarī, Hariyāṇvī, Hindī/Urdū, Kāśmīrī, Ladakhī (La-dwags skad), Nāgarī, Pahārī (Pahāḍī), Panjabi (Pājābī), Parimu/Hindkī, Pashtō, Punchī, Shīnā and Sikligarī.¹⁴ In addition,

the rich cultural mix is composed of more than a hundred cultural groups of distinct identities,¹⁵ and an identity based on the Kashmiri language does not overlap with the Muslim identity.¹⁶

Being a purely artificial construct void of any natural cohesion, in which historically, traditionally, culturally, religiously and ethnically unrelated territorial chunks were merged together to form a new political entity through the Treaty of Amritsar (ToA), J&K has never managed, or even genuinely endeavoured, to forge such diversity into a culturally homogenous formation over the course of almost two centuries. Prior to 1947, the Maharajas had neither the interest in nor saw the benefit of creating a sense of nationhood in the territories included in PSJ&K, treating the local population like a personally owned commodity and low-cost (or often even free) work force. Thereafter, India's administrators and politicians showed no interest either, instead pursuing their own personal careers which gravitated towards New Delhi. As a result, the outward tendencies in J&K, which had always been there, remained and were reordered under new political conditions, instead of being replaced with some kind of identity which would be more homogeneous and inclusive of not only divergent identities such as Buddhist, Hindu, Sunnī, Twelver Shī'a, Ismā'īlī and Moravian Christian but also Sikh and Jain, and centripetal, which should certainly lie in the interest of India.

In last few decades we have observed quite antithetical forces which tore the state apart, in addition to the 1947 partition. With 'Buddhist organizations in Ladakh and Hindu organizations in Jammu' that 'have demanded fuller integration with India',¹⁷ Hindu and Buddhist sections of the state population gravitate towards New Delhi, while the vast majority of Kashmiri Muslims are deeply disaffected with the current 'Project India' and demand a complete 'opt-out' resolution. An identity based on Kashmīrīyat, an idea conceived in the 1930s, is hardly ever mentioned in Jammu (or PaJK) any longer and has never truly reached the predominantly Buddhist (and Shī'a/ Ismā'īlī) Ladakh. Neither Jammu nor Ladakh has ever shared the vision of the political and social structure of such a state, the prospect of independent Muslim-dominated Kashmir being an anathema to both Hindus and Buddhists.¹⁸ In addition, such a sense of common identity with AJK and the Kashmir Valley is not shared by many residents of GB.¹⁹

The vision of the historically and ethnically consolidated ethos of the Valley of Kashmir as the true essence of J&K culturally unified under the domination of Kashmiri (Sunnī) Muslims is also strongly resisted by a range of other groups who also are Muslims and residents of the Valley and beyond, such as the Pahārī (Pahādī) or Gujjar (Gurjar) communities.²⁰ What we often see is that the manner in which ethnolinguistic descriptions are applied with reference to J&K is, in fact, a political claim made about the territory called Kashmir, and in the process partial identities, such as that of Kashmiri Pandits, purporting to represent the whole of Hindu identity (even though there are a number of Hindu and Brahmanic communities which are not classified as Kashmiri Pandits²¹), or that of the Kashmiris of

the Valley appropriating a Muslim identity for themselves (likewise quite heterogeneous), are very often projected over the whole or most of the territory. As a consequence, various tribal minorities which do not fit into the unified homogenous model of the state are also threatened by the two majorities.²²

Given such a diverse cultural, ethnic and religious complexity,²³ forging a transformed centripetal identity embracing the different religious and ethnic groups within J&K and their political loyalty does not, most importantly, have to be tantamount to social engineering and to constructing a *Homo indicus*, with an even politically more loyal subspecies of *Homo indicus hindutvavadis*, or an Indian version of, say, a homogenous and devoted *Homo sovieticus*, through state propaganda and depriving people of their tradition. Rather, it could be a natural and powerful 'side effect' of state policies directed at alleviating a range of serious existential, socio-economic problems the population has been facing, such as poverty, illiteracy, unemployment, rampant corruption, legal impunity and disrespect for the rule of law, administrative incompetence, poor transportation and lack of connectivity within the state and with other regions of the Republic. Any other means than these, such as propaganda, political control, administrative domination by the centre and coercion, never work in the long run and are rather conducive to the feeling of alienation, distrust, discontent and anger.²⁴ Loyalty with no foundation in the satisfaction of existential needs is a character trait of fanatics alone.

The situation bears affinity to the 'disloyal' insurgent Red Corridor²⁵ within the heartland of India that cuts through Bihar, Uttar Pradesh, West Bengal, Jharkhand, the so-called Daṇḍakāraṇya (Chhattisgarh, Odisha, Telangana and Andhra Pradesh), Madhya Pradesh and Maharashtra down to Karnataka, and to the Compact Revolutionary Zone (CRZ), so called by the Maoists/Naxalites, where they enjoy popular support. Its existence is caused by a range of factors, including 'the failure of the Indian state to protect its most vulnerable populations from constant exploitation',²⁶ chronic poverty, lack of opportunities, neglect and abuse, stagnation and, last but not least, the state's coercive response to real problems. Like the Indian Punjab, which obviously shares more cultural features and history with the Pakistani Punjab (both being culturally the East and West wings of the same historical and cultural region) than with Maharashtra or India's Dravidian South, Kashmir's cultural gravity as a whole is not necessarily located within the political borders of India. Some of its parts naturally tilt to other cultural, historical and political regions, such as most districts of Ladakh (but also portions of the historical Purig controlled by Pakistan and the districts of Lahaul and Spiti, now in Himachal Pradesh, India) with their strong historical, cultural, religious and linguistic links to Tibet and Central Asia, or the Kargil district, being a cultural and historical part of Baltistan, now in Pakistan. Just as various regions of India once formed parts of various independent political entities so also did certain regions and districts of J&K.

14.3 Threats to the territorial integrity of India

The sheer fact that certain regions of India considered integral to the Union may lean towards other regions which politically lay outside its borders or may relatively easily change their political affiliation and belonging, without changing their true cultural and traditional identities, may and does generate affective attitudes, such as fear and mistrust among the politicians in New Delhi. The measures adopted to address such eventualities, considered threats to the territorial integrity of India, and to deal with the populace suspected of potential disloyalty are usually of a coercive nature and as a result prove counterproductive in conflict management.

The affective attitudes and the responses they induce work at three levels: personal, institutional and societal. They not only shape how one perceives and reacts to events and situations and gives them a particular significance but also inform a general response and rational analysis among the whole group of politicians, officials, the military and police staff etc. This, in turn, feeds back to the personal level and imposes concrete constraints on the independence and autonomy of every individual officer, politician or even researcher, inasmuch as they generate a standard, legitimate interpretation and any deviation from it can be viewed as an act of disloyalty or at least raises suspicion with respect to one's actual intentions. Both these levels translate to how society as such views a particular situation, and all the three dimensions are inextricably interlinked. Hardly any politician as an individual or within a political grouping at the institutional level will be ready to suggest a solution to a crisis which is rationally perfectly justifiable as the best or sometimes the only option feasible, but which would run counter to the general societal perception, and thereby to commit political suicide. The complex interdependence of these three layers eventually shapes the general perception of the adversaries and their motives and restricts the possibility of formulating constructive proposals and sober, distanced voices, which may easily be branded as expressions of disloyalty, anti-patriotism and national treason.

Such complex fears and mistrust among India's politicians and elites vis-à-vis J&K, Punjab or the southern provinces were present in a nascent form at the very beginning of the independent India, and they have gradually grown in importance: first when the demands for a creation of a Punjabi-majority state within India, which could eventually translate into a Sikh-majority state, became stronger and, with the involvement of the Shiromani Akali Dal (SAD) leaders, materialised in the partition of the former province of East Punjab ('Punjab' after the 1949 Constitution) into Punjab and Haryana following the Pakistan-India war of 1965 through the Punjab Reorganization Act of 1966, and then again in the late 1970s when the calls for greater autonomy for the Punjab became more pronounced among the Sikh majority and eventually led to the terrorist phase of the struggle for an either autonomous or independent Khālistān, culminating in the catastrophic Operation Blue

Star in June 1984.²⁷ These developments clearly threatened the cohesion of India both in the terms of its territorial unity and social coherence, undermining the myth of a culturally and historically unified India.²⁸

Similar centrifugal processes could be observed in India's East and resulted in the fragmentation of the original State of Assam, as it was defined in the 1949 Constitution. As a result of separatist processes and a desire to prevent an actual secession, six fully fledged states were carved out of Assam, four of them through a transitory phase as union territories, most of which are directly adjacent to the external borders of India: Nagaland (1963; borders with Burma/Myanmar), Manipur (1956, 1972; borders with Burma/Myanmar), Tripura (1956, 1972; borders with Bangladesh), Meghalaya (1972; borders with Bangladesh), Arunachal Pradesh (1972, 1987; borders with Bhutan, Myanmar and China) and Mizoram (1972, 1987; borders with Burma/Myanmar and Bangladesh). What was left was a truncated Assam in the middle, with no access to external borders. Granting the status of a separate state to each of the territorial sectors was the biggest possible concession conceivable. What prevented Indian leaders from yielding to local demands for full independence was their fear of a 'domino effect' that would reverberate throughout India and that could be triggered by even one successful secession. This position was encapsulated by Nehru: 'India has been prepared to share her independence, but not to divide it'.²⁹ Since the beginning of independent India, any legal possibility of the secession of any part of India has been strongly rejected, albeit there were certain voices in the initial phase which accepted such a scenario as a result of a bilateral agreement between the Indian Union and the state concerned.³⁰

The same line of thinking applies to any deliberation of even minute territorial concessions with respect to J&K, for 'India feared that relinquishing its claim to Kashmir would set off a domestic domino effect, in which other disaffected minorities would demand to secede from the Indian union'.³¹ The fear of the domino effect primarily concerns three disaffected regions which are perceived as a system of communicating vessels: Punjab (Khālistān), North East and J&K—a secession of any would set a precedent for others.³² Other regions of India which may have a strong sense of distinct identity and have resisted centripetal tendencies from the outset, such as Tamil Nadu or Andhra Pradesh, do not pose such an immediate risk of secession, because only such 'territories that share administrative status with others could instigate a domino effect were they granted concessions',³³ and typically calls for genuinely substantial autonomy have been vigorously and violently resisted by New Delhi. *Mutatis mutandis*, the expectation (unwarranted, as it were) that the 'peace in Assam and Nagaland', or in any other region susceptible to the domino effect, reversely 'could have a "domino-effect" for peace in this conflict ridden state'³⁴ can explain why the same pattern of violence, coercive measures, disrespect for democratic principles and impunity at the cost of rampant human rights violations and deprivation of civil rights has been resorted to by New Delhi in dealing with

all three cases. The concept of territorial integrity, as applied to the case of J&K, thus acquires multi-layered dimensions and complexity.

14.4 The impact of Pakistan and the Cold War

In certain important ways, India's approach to J&K as primarily based on the idea of territorial integrity and security has not significantly changed over the decades but has rather been fine-tuned in response to changing circumstances, especially after certain dramatic developments, which occurred during such turning points as the mid-1950s, 1970–1971 and the whole period after 1987, including the armed insurgency which started in 1989 and the 1999 Kargil War. One of the factors that affected the substance of how India viewed the Kashmir issue and Pakistan's involvement was the latter's accession to two military pacts, the Southeast Asia Treaty Organization (SEATO) and the Central Treaty Organization (CENTO), preceded by a number of crucial steps within the context of the Cold War. Two related documents were signed by Pakistan in spring 1954. First, with the involvement of the US Secretary of State John Foster Dulles and the support of British Cabinet, Turkey entered the Agreement for Friendly Cooperation³⁵ with Pakistan on 2 April 1954. In the field of defence (Art. 4), the pact covered (1) exchange of information relevant for technical experience and progress, (2) production of arms and ammunition, and (3) co-operation in the face of an unprovoked external attack. Thereafter, on 19 May 1954, Pakistan signed the Mutual Defence Agreement with the United States, under which the Pakistani army became eligible for American military grant aid, including for military equipment and training.³⁶ This opened the way for Pakistan to join SEATO on 30 June 1955,³⁷ and then the Baghdad Pact on 23 September 1955, later renamed as CENTO. These developments brought the Cold War to the subcontinent and caused serious anxiety in India both with respect to its security and to Kashmir in view of the fact that a year later the respective Councils of both these Pacts expressly spoke of an 'early settlement of Kashmir dispute'.³⁸

The Pakistani military build-up, combined with US inroads into South Asia, led to a new era in the relations between India and the Soviet Union. Nikolay Bulganin and Nikita Khrushchev's joint visit to India (the first official Soviet visit of this kind) and other South Asian countries including Afghanistan, in 1955, was meant to cement new ties of co-operation between both states. It also had repercussions for Kashmir. On 10 December 1955, Khrushchev openly supported India's full claims to the State: 'The question of Kashmir as one of the states of the Republic of India has already been decided by the people of Kashmir. This is the people's own affair'.³⁹

On the one hand, the military backing provided by CENTO and SEATO to Pakistan led to a sense of angst and to what was described in India as encirclement.⁴⁰ India's rapprochement with the Soviet Union was, on the other, promptly exploited as an expression of support for its stance on

Kashmir and a strong voice for India's territorial integrity with Kashmir as its constituent territory. From India's perspective, with Pakistan aligning itself with both pacts, the question of J&K was no longer a matter of its actual geographic allocation within, its 'belonging' to and its historical and cultural identity determined through its connection with India (and/or Pakistan), but the cease-fire line within the State also became a *de facto* external political and military frontier of the Republic of India that had to be guarded against a possible attack from an adversary embroiled in the Cold War.⁴¹ The offensive powers of Pakistan came to be perceived by India as considerably augmented by its new CENTO and SEATO allies. From India's perspective, any threat of the continuation of the skirmishes and military activities within the Indian-controlled territory of PSJ&K metamorphosed into a much greater risk posed to the security and peace of the *entire* Republic, not only to its territorial integrity. The defence of J&K is seen as tantamount to the defence of the Indian union as a whole, and as the retired Indian foreign Secretary, J.N. Dixit stated, 'any erosion of Indian jurisdiction over Kashmir diminishes India's strategic defence capacity'.⁴² This also explains why Kashmir is not infrequently phrased as 'India's most important internal security problem'.⁴³

In this context, of note is India's insistence on its legitimate rights to all the territories comprising PSJ&K, reflected in the fact that India officially objects to any use of the term 'Indian-administered Jammu and Kashmir' by other states, e.g. by the US government, and emphasises on all occasions that 'the entire State of Jammu & Kashmir is an integral part of India'.⁴⁴

A long series of points along the whole timeline of Indo-Pakistani relations, similar to Pakistan's membership of CENTO and SEATO, have provided fertile ground for India to nourish its fears regarding Pakistan, including all four wars, with the 1999 Kargil conflict and Pakistan's Operation Badr as the fourth and have led to India's increasing mistrust concerning all Pakistan's peace talks initiatives.

Notes

1. BALCEROWICZ (2018).
2. In dating, I usually follow: KULKE–ROTHERMUND (2004), MICHELL (1995, 2003), STEIN (1989).
3. The number of languages spoken in India alone would be somewhere between 845 and 10,400 depending on the adopted methodology, see CARDONA–JAIN (2003: 46–66).
4. NATRAJAN–JACOB (2018: 56–57).
5. LORENZEN (1999).
6. MICHAELS (2003: 14).
7. MICHAELS (2003: 14).
8. See e.g. THAPAR (2017), UPADHYAY (2017).
9. ToI (2017-10-18), AJN (2018-02-06).
10. VEER (1994).
11. Cf. also KISHWAR (2005: 274).

12. VEER (1994: ix–x, 1–24).
13. WIELAND (2006). See also ALOYSIUS (1997).
14. See, e.g., GRIERSON (1916) and PANDITA–CHARAK–RIZWI (2003: 16).
15. PANDITA–CHARAK–RIZWI (2003) name as many as 110 ethnic-cultural communities in Jammu and Kashmir.
16. See maps 3.1 and 3.2 reproduced in WIRSING (2003: 143–144) and based on the estimates of Joseph E. Schwartzberg.
17. CHANDHOKE (2014: 152).
18. See also BEHERA (2016: 47). On distinct regional identities of Kashmir, Jammu, Dogra, Gujjar, Pahārī, Ladakhī and other, see: PURI (2010), CHOWDHARY (2010b).
19. See BEHERA (2016: 48).
20. See, e.g., HAIDAR (2018). For a survey of the cultural identity of the Pahārī people and the process of the identity formation, see: Kuljit SINGH (2014).
21. For instance the Brahmanic Bhojru (see: PANDITA–CHARAK–RIZWI (2003: 157–159)), or the Rājput Basīth (see: PANDITA–CHARAK–RIZWI (2003: 107–114)).
22. See, e.g., YASEEN (2018).
23. WIRSING (2003: 137–190).
24. SANTOS (2007: 70–76).
25. See e.g. BISWAS (2014: 71–96).
26. BISWAS (2014: 92).
27. See VAN DYKE (2009), SHANI (2007: 40–60), CHIMA (2010), Van DYKE (2015).
28. For the process, see BISWAS (2014: 23–37).
29. Quoted after BARTKUS (1999: 61). See also CHANDHOKE (2012: 6), STEWARD–INGERSOLL–FRAZIER (2011: 40), PANT (2008: 232).
30. See e.g. DIWAN (1953: 346).
31. GANGULY (2002: 6). See also JACOB (2013: 131).
32. RASLER–THOMPSON–GANGULY (2013: 142).
33. BUTT (2017: 7). See also GRIFFITHS (2015).
34. GOSWAMI (2010: 1).
35. For the text, see UNTS, Vol. 211, 1955, No. 2858, p. 264, and ERSOY (1994: 384–386, Appendix 8); see also BIRDWOOD (1956: 64), CHEEMA (1990: 133), DEVEREAUX (1990: 158–160).
36. See ALI (1967: 297), CHEEMA (1990: 136).
37. See AKHOURI (1987: 110), CHEEMA (1990: 141–143), GUPTA (1966: 299–301).
38. GUPTA (1966: 299–301). On the US position, see: WIDMALM (2012: 47).
39. *Ironwood Daily Globe*, Monday 12.12.1955, p. 1. See also GUPTA (1966: 300) and WIRSING (1995: 89).
40. Cf. Sisir GUPTA (1966: 299–300).
41. Cf. WIRSING (1995: 86–87).
42. TOMAR (2006: 50). See also WIRSING (1995: 86–87).
43. CHARI (2007: 117).
44. MoEA (2017-06-29).

15 The spectre and structure of conflict

Piotr Balcerowicz

15.1 Why else should Jammu and Kashmir matter?

J&K's strategic importance also lies far beyond the sheer fear of the domino effect secession could trigger. It is a region where the territories, interests and armies of Pakistan, India and China converge, not far from the former southernmost frontier of the Soviet Union. However, unlike Pakistan, whose vital transport connections and common border with China, including the Karakoram Highway and the China-Pakistan Economic Corridor (CPEC), strategically, economically, politically and militarily so important, would be severed in the case of a complete inclusion of the territory within India's borders, India is not connected in a similar manner with any of its neighbours. Afghanistan's Wakhan Corridor, sealed with the Durand Line agreement in 1893, functioned as a buffer zone between the British Rāj and Tsarist Russia from the late 19th century and has effectively separated India from the Soviet Union and, after 1989, from the Central Asian republics, despite the oft-repeated erroneous opinion that J&K also partially borders with the Soviet Union (and thereafter with the former Soviet Central Asian republics).¹ This rather surprising belief has its roots in the telegram dated 26 October 1947 from Jawaharlal Nehru to the British Prime Minister, Clement Attlee, which erroneously depicts the geographical situation as: 'Kashmir's Northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the Union of Soviet Socialist Republics and China'. On the contrary, PSJ&K has never had any direct border with either Tsarist Russia or the USSR, or with any of the post-Soviet republics. However, the buffer of Afghanistan's Wakhan Corridor is only a few kilometres wide at its narrowest portion.² It is, therefore, only India's *complete* control over *all* J&K that would provide it with direct access to Afghanistan and *through* Afghanistan beyond to Iran, Tajikistan, Kyrgyzstan, Uzbekistan, Turkmenistan, Kazakhstan, Russia and further on to Europe and facilitate its trade and co-operation, including the development of military ties, with all the partners. It would certainly be much more reliable and time- and cost-effective than the sea-cum-land route via the Chabahar port or the 7,200-km-long North–South Transport Corridor (INSTC). In addition to an open transport and trade land route

reaching up to Russia, Europe and the Middle East and Turkey, it would provide India with a much safer and more dependable alternative of gas and oil supply than, for instance, the planned Turkmenistan-Afghanistan-Pakistan-India Natural Gas Pipeline (TAPI). As long as AJK remains within the administration of Pakistan, that operational route is inaccessible to India. In fact, in the current circumstances of the divided Kashmir, the part administered by Pakistan effectively severs India from the rest of Asia, except for China.

India deems that in consequence of the Instrument of Accession, ratified by the Kashmiri Constituent Assembly in 1954, the whole territory of PSJ&K was to be incorporated into the Union, but one third of the territory which is lawfully Indian still remains under Pakistani occupation. The whole of J&K is not a disputed territory and the Kashmir problem is simply that of Pakistani aggression and subsequent occupation.³ Therefore, India strongly objects China's involvement in the construction of the CPEC because it 'passes through parts of the Indian state of Jammu & Kashmir under illegal occupation of Pakistan'⁴ and has frequently not only asked the Chinese to cease such activities but has also sent warnings.⁵

The current control of the two-thirds of PSJ&K, India's northernmost territory still provides India with a buffer zone against Chinese incursions, much like PSJ&K did to the British Rāj,⁶ the difference being the control of Chitral, the Khyber Pass and the North-Western Frontier became an obsolete issue once a new political entity emerged in the form of Pakistan in the territories the buffer of the North-Western Frontier and Chitral was supposed to protect against the feared Russian (and later Soviet) invasion. Also, with new friendly bilateral ties established between the Republic of India and the Soviet Union, and later with the Russian Federation and the Central Asian republics, the earlier threats sensed across the Wakhan Corridor buffer during the British Rāj period abated.⁷

India's territorial integrity and its emphasis on the control of J&K also has another dimension concerning the environmental issues and actual survival of the nation in the long run, dependant on water supply. South Asia is a region of both abundance (considering the sheer amount of water) and scarcity of water (being monsoon-dependent). It is fed by one of the world's largest storehouses of fresh water in the Hindu Kush, the Karakoram Range and the Himalayas, where 20 major rivers originate.⁸ The region of PSJ&K is a vital topographic unit of the drainage basin, with the Indus, Kunhar, Neelum (Kishanganga), Sind, Sutlej, Tawi, Ravi, Chenab and Jhelum originating or flowing through it, although only one of the major rivers, the Jhelum, flows through the Kashmir Valley. Partial or complete control over the region by India, China or Pakistan is, therefore, of strategic importance and means control of the water system of a large part of South Asia.⁹ Of the Indus river basin, which is most relevant in the case of J&K, its c. 180,000 km² lies in India-administered J&K (with total area of 222,236 km²), a part of the basin, c. 250,000 km², is India's share, and the remaining

portions of the basin are controlled by Pakistan (c. 530,000 km²), China and Afghanistan (c. 170,000 km²).¹⁰ Further, approximately 69% of the mean average of the annual flow of the Indus river basin (more than twice as much as that of the Nile) originates from Indian-administrated J&K, with only 19% from Pakistan and 12% from Afghanistan and China collectively.¹¹ It is, therefore, not surprising that water plays an important, albeit often overlooked role in the Indo-Pakistani conflict over J&K, and water nationalisms of both countries are both symptomatic of their fears and symbolic of their independence.¹² An independent or Pakistani-incorporated Kashmir would mean India ceding the strategic control over the waters that are both the source of much hydro-electric power in India¹³ and the life-giving basis of agriculture.

15.2 The spectre of Islamisation, Jihādism and terrorism

A serious worry of strategic importance and of extra-regional proportions is the perceived ideological threat of the bundle of Islamisation, Jihādism, religious extremism and terrorism, coming to India via J&K from and sponsored by Pakistan and its secret wing of ISI, supported by other sources of funding and Jihādist or Salafist organisations and militant movements, such as the Taliban and Al-Qaeda. In fact, much of the violence which Kashmir has experienced over the last three decades is often blamed by a number of Indian analysts on the religious extremist ideology, or rather the spread or expansion of the sphere of terrorism, which is consistently projected as 'Islamic'.¹⁴ The outburst of violence in 1989 and the ensuing unrest in Kashmir is squarely blamed on Pakistan, its background and nature is equated with terrorism pure and simple, the 'administrative collapse' of 1989 is interpreted as a result (rather than one of causes) of violence, the main factor contributing to the violence reduced to terrorism is ascribed to 'Pakistan-backed subversive activities' and the inadequacy of 'counter-terrorism duties', and the period preceding the incidents of December 1989 is taken to be merely an early phase of terrorism which preceded the explosion.¹⁵ Such a narrative amalgamates a number of unrelated or loosely related factors such as ISI, Pakistan's relatively secular (up to a point) establishment, Iran and Shī'ism, Sunnī Salafism and Wāhhābīsm.

The danger of ideological 'infection' poses a 'threat to the cultural ethos of Kashmir—Kashmiriyat as it is loosely called—[and] comes not from any provision of the Indian Constitution but from Sunni-Deobandi-Wāhhābi extremist groups',¹⁶ says the former Governor of J&K, who 'had been pin-pointing the diabolical threads with which Pakistan, in pursuance of the said politics and military strategy, had woven a vast net-work of subversion and terrorism in Kashmir'.¹⁷ This stance, factually unwarranted, is echoed by many other observers within India, for instance, a colonel of the Jammu and Kashmir Rifles of the Indian Army: 'Al Jihad took inspiration from the ideology of the Iranian revolution' and within 'a short span of a few

years' it led to 'a marked erosion of the secular Kashmir personality and a Muslim identity with fundamentalist overtones started emerging rapidly'.¹⁸ The threat of Islamist terrorism and Islamisation is expressed through the striking metaphor of a contagious disease which, if uncontained, is expected to spread and infect all India. The malady is first transmitted into Kashmir and through it the infection can expand unchecked and seize all 'the vital organs of the body and become almost irreversible'.¹⁹ In this process, to paraphrase Leonard Cohen's famous song, the diabolic Jihādī fanatics and terrorists follow the maxim: *first we take Kashmir, then we take all India*, and 'identify Afghanistan, Pakistan, and Kashmir as the new loci and primary sources of extremist Islamic militancy'.²⁰ 'The primary focus and target of the armies of *mujahideen*, and their suicidal hard core, the *fidayeen*, who pour out of the *madrassas* and Pakistani terrorist training camps, at present, is the Indian State of Jammu and Kashmir',²¹ and as a consequence of the 'erosion and encirclement' by these forces, all India may soon be entangled in 'the web of terror'. Kashmir is thus viewed as a potential gateway for Islamisation tendencies, mostly of non-local origin, to affect the whole of India and threaten to consume its secular, democratic, multi-ethnic, multi-religious and multicultural fabric,²² inasmuch as 'if they (*mujāhidīn*—P.B.) too achieve their objective, the fate of Kashmir will be no different from that of Afghanistan. Pakistan will exploit every opportunity to rip the secular and multiethnic fabric of the country'.²³ Such Islamic militant groups are sometimes classified as Jihādī and Islamic-nationalistic, most 'have similar sources of financing, but what is notable is that many of these sources are private and at least somewhat independent of Pakistan government policy'.²⁴ These financial sources may reportedly include channels of charity contributions in Pakistan and outside, from Kashmiris living abroad and sheikhs of Gulf States. To defend Kashmir against the ideological threat and the terrorism nurtured by it is imperative not only for India's survival as a multicultural and secular state but also to contain the much more universal risk: 'Out of this unstable vortex (in Pakistan—P.B.), the "warriors of (extremist) Islam," the *mujahideen*, reach out into the fratricidal confrontations of the Balkans; into the new and volatile realities of Central Asia, and beyond, into the peripheries of China; from Pakistan, through Kashmir, into every theater of existing or emerging conflict across the Indian sub-continent; and far into southeast Asia'.²⁵

Some analysts do not only take a slightly more balanced approach and acknowledge that additional conflict drivers are involved, religion (exploited for political goals) being merely one factor, beside a slanted image of the enemy on both sides, a feeling of insecurity, etc., but they also put most of the blame for Islam-tinted and state-instrumentalised terrorism in Kashmir on Pakistan's political system and Pakistan's army and intelligence.²⁶ Such a vision produced by politicians and nationalist experts permeates into the popular perception of the Kashmir issue: 'This is not a war for a piece of land. This is a war against religious fanaticism. We cannot let religious

fanaticism win any longer. We cannot draw new boundaries based on religious beliefs. Yes, that is what the disgruntled youth who is brain-washed by Pakistan and religious clerics is asking for. We cannot let them win. It is a fight to promote the idea of co-existence and inclusiveness. It is a fight to create a democratic republic where equal rights prevail for all religious belief'.²⁷

Some others in India, while seeing the roots of militancy in Pakistan's involvement and sponsorship, a stance which reflects the political centre in New Delhi, will instead argue to the contrary, namely that the religious radicalisation in J&K was a rather indigenous process triggered by the partition itself and that 'contrary to much-received wisdom on the subject, this jihad did not arise as a consequence of the dramatic events which transfigured what is sometimes called the Muslim World in the third quarter of the 20th century. It commenced, instead, in 1947, within weeks of the birth of India and Pakistan and decades before the Iranian revolution or the movement of Soviet forces across the Amu Darya into Afghanistan'.²⁸ Kashmir, with its distinct Muslim identity, is thus seen by some analysts as a part of a larger, indigenously Indian space responsive to Jihādist calls which poses an internal security threat.²⁹ Pakistan subsequently took advantage of the situation, arming the population against the Indian government and engendering a sense of loyalty to separatist cause among young generation, who were 'denied of basic human needs like genuine descent livelihood, civil liberties and federal autonomy' and who thereby felt 'alienated ... from the Indian nation'.³⁰ It is also Pakistan that often misuses religious and Kashmiri nationalist slogans and labels regular terrorism 'Jihād' or 'freedom struggle'.³¹ In either case, it can be argued from such a perspective that Muslims, in general, and Kashmiri Muslims in particular, encourage separatism and disintegration of the united India and breed national insecurity.³² But the argument also goes in the other direction, namely, that the Kashmiri Muslims' demand for autonomy or even secession has deepened the anxiety and fear in Delhi that Muslims, in general, are intrinsically disloyal to India and, under favourable circumstances and inspired by the two-nation theory, would not hesitate to pursue the process of partitioning of India further along religious lines, pushing the Hindu population out of territories in which the latter are a minority.³³ Pakistan's covert war and support for militant groups operating in J&K has contributed to the view that what was a genuinely indigenous struggle for dignity (whether phrased as autonomy or independence) has become Pakistan's proxy war³⁴ and Kashmiri Muslims are a kind of Pakistani 'fifth column'.

Naturally, irrespective of whether the source of radical ideology is believed to be a foreign import from the outside or that its roots lie within J&K, being indigenous to the region, such a vision of religious radicalisation can quickly justify the harshest measures possible to be employed on the ground in Kashmir to combat the ideological threat, namely, either to prevent its influx or its local germination and spread

and to condone the 'collateral damage' in the form of the impunity with which the apparatus of state violence (the army, the paramilitary and police, intelligence agencies) operates there. This results in repressions against the population, curtailment of democracy and human rights violations.

Most importantly, such a vision entertained by authors who treat the popularity of extremist ideologies and terrorism primarily as a contagious disease which mechanically spreads from one area to another, especially when supported by a 'diabolical' state actor, completely ignores the actual causes of the insurgency and uprisings in J&K and the complex background behind extremism and terrorism in general, and in the case of Kashmir in particular. Kashmir and the Kashmiris are not incognizant and inert victims of a foreign intervention and are not acted upon by an influx of militants and mercenaries sponsored by external state and non-state agents, such as Pakistan and Al-Qaeda, but the multilayered Kashmiri case primarily involves a popular and decades-long objection by a large part of the population against particular political and social circumstances they feel are imposed on them and are a threat to their own cultural identity, and this objection often translates into resistance against administrative structures governing the Indian state and their policies and into support for measures other than the democratic process of electing a genuinely representative parliament, which has never truly existed in J&K.³⁵ This makes the case of J&K that of a conflict involving distinct cultural, religious, ethnic and linguistic dimensions, and it should be analysed as such, also using applicable conflict theories, which take into account the complicated background and do not reduce its complexity to mere intervention of external forces.

15.3 The causal structure of the so-called ethnic and religious conflicts

In broad terms, the causes of similar long-lasting conflicts between ethnic groups, states, regions or religious communities can be grouped into five basic categories,³⁶ and these should also be taken into account in this case: (1) economic deprivation, inadequate living conditions and poverty, (2) repressive political systems, and in particular the exclusion of certain ethnically defined groups from the political process³⁷, (3) destruction, depletion or excessive exploitation of resources, including natural resources and far-reaching changes in the natural environment (such as climate change), (4) cognitive dissonance and (5) a perceived threat to the group identity, a factor which can, often for all practical purposes, be reduced to a combination of the first four. The first three of the abovementioned factors determine the universe in which ethnic, cultural or religious groups function, but none of them separately leads directly to the conflict. Any of these three background factors must co-occur with the fourth: with cognitive dissonance,

to initiate conflict. The term 'cognitive dissonance' is not employed here in a way that shapes a widespread usage, for instance, among psychologists; it is adopted in the theory of conflicts in a different sense. In my analysis, cognitive dissonance defines the intentional relation of the subject to the (actual or imagined) environment: it reflects the person's confidence that the satisfaction of his/her aspirations is fully morally and rationally justified, a confidence combined with the conviction that at the same time his/her expectations are currently not realised and they most likely will not be in the foreseeable future, *unless* the person takes up a struggle for the fulfilment of his/her expectations. In other words, cognitive dissonance refers to the contradiction sensed by the person between the experienced reality and his/her expectations vis-à-vis such reality which in the person's opinion are not only objectively justified and should have a chance of being fulfilled but also should be satisfied in the name of postulated justice and the just arrangement of the world.

To illustrate how cognitive dissonance so defined exercises its impact on individual and societal awareness, let us use an example:

Over centuries a particular group A lived in poverty and its members accepted that their unprivileged situation was somehow understood and justified in traditional, cultural, historical, political, social or other circumstances or the possibility of a real change in their situation was negligible. However, in a new historical moment, some members of group A have acquired access to education and media or have become an object of political agitation and, as a result, have realised that their situation is neither just nor justified. Alternatively, group A has observed that a very similar group B which used to have a comparably low economic or political status has succeeded in improving their position for just reasons. As a consequence of what we can describe as a critical shift (crisis), a rapid transformative process follows in group A and results in the group members acquiring a new perspective on their previous situation. This leads to a demand for change which is believed to be objectively justified. These factors however have an impact on, say, group C, which has enjoyed a privileged position thus far, often partly at the expense of group A and/or group B. Such a critical shift can for instance be triggered by the opening of group A to external influences, by gradual social, political or economic transformation within the group or enforced interference from the outside world (e.g. colonial or neo-colonial powers, large corporations, a change of political system etc.), which leads to a new economic differentiation or stratification within society, to shifts in the balance of power, to modifications and adjustments in the social hierarchy or to re-evaluations concerning the access to goods, opportunities and power, as well as to the emergence of a new group or elite that may appropriate control of the environment and resources, etc.

The possible scenarios are almost unlimited. Under circumstances of limited resources, opportunities and power, we often deal with what is felt as a zero-sum game: the increase in the potential of one (previously subordinate) group (A) means the limitation of the potential and power of the other (previously privileged) group (C). It may also be a process induced by a particular (previously underprivileged) internal group A_1 (e.g. one of the clans, parties, etc.) taking control of natural resources, land or trade or obtaining political power, which also disturbs the previous arrangement and the existing structure of the redistribution of goods. Such a real change (or its prospect perceived as real) generates a threat and a sense of fear among the members of another (so far privileged) group (C) as regards their perceived loss of position and their own well-being and also leads to the emergence of cognitive dissonance among the group members. The change does not have to occur objectively: also when no actual changes take place in the objective world, such a transformation within the group's awareness may occur due to education, access to information or indoctrination, propaganda, etc., which may significantly influence the aspirations of the group members. This also leads to cognitive dissonance, which may at the individual level be sensed as a frustration and strong desire for change.

Conflict may arise in accordance with various patterns. For instance, in a system of three or more groups, group C is dominant, groups A and B occupy a similar place in the hierarchy and access to resources, opportunities and power. A critical shift disrupts the current arrangement and promotes group B. We should then expect that the members of group A, essentially similar to group B, which has increased its potential or taken over economic, political or other control, will come to a conclusion that they too deserve similar promotion or improvement of their living conditions as now are the share of group B. The promotion of group B can only take place at the expense of group A, but it does not affect the sense of security of the members of group C, the most privileged one. Such a situation should not, therefore, lead to a conflict in which group C will be a party; the conflict will only take place between the members of groups A and B. It may, however, also happen that the promotion of group B generates a sense of threat of a potential loss of power and influence among the members group C too; that being the case, they will become a party (or one of the parties, next to group A and B) of the conflict. It may also happen that in reality nothing has changed in the objective world. The respective placements within the social and political hierarchy, the standards of living and the access to resources and power of groups A, B and C remain unchanged; what has changed, however, is at the cognitive level or within social awareness, including the understanding of what constitutes a just social system and how it relates to the actual position of a particular group. As a result of such a change taking place in the group's self-awareness and subjective comprehension of the world, the assessment of representatives of groups A and B will change, and they may consider (e.g. on the basis of a comparison of their situation with

other regions of the world thanks to access to information and media or due to education) that they should also be granted certain rights which they have lacked previously and which representatives of group C have enjoyed for a long time. Also in such a case, cognitive dissonance is manifested: the objective material world and social and political circumstances as such have not changed; however, what has really changed is the way these are perceived and evaluated by group A (or groups A and B). Such a contrast between the group's expectations and the real situation is called cognitive dissonance.

15.4 Causal ramifications behind the Kashmir conflict

All these very brief theoretical considerations, including the complex political background, the democratisation of most Indian states and the parallel political (democratic) deprivation and semi-repressive government system in J&K (despite high initial expectations after the partition), are most pertinent to the analysis of the Kashmir question. A number of factors, in addition to the simplified Pakistan factor, can be pinpointed through a closer analysis as responsible for the Kashmir conflict and militancy. These include socio-economic conditions, religious antagonism, demands for autonomy (and if these are not met, for secession), the level of deprivation of the state or various political explanations.^{38,39} However, as pointed out by WIDMALM (2012: 93), many of '...the characteristics of the conflict today should be regarded as its *outcomes* instead of its *causes*. The political violence in J&K has its roots in the acts of the political elites and the weakness of institutions, both in the bureaucracy and in particular in party organizations'. His conclusion concurs with my assessment that one should look for the causes of the conflict in the political ineptitude of the political leaders, corrupt political system, the administration and the government of the State, institutionalised injustice and the denial of democratic culture⁴⁰ as well as internal struggles between contesting parties for power, partly home-bred and partly instigated by New Delhi to serve the centre's interests. This led to a strong cognitive dissonance among the Kashmiri population, disillusionment and frustration of which was nurtured on the fertile soil of the background causes of the economic deprivation, including large scale unemployment amongst the population, inequality, the corrupt political system which did not provide genuine access to political representation, rampant corruption which allowed for the excessive exploitation of the State's limited resources (including employment opportunities and access to state funding) by the privileged ruling elites and a perceived threat to the group identity coming from a new version of secularism,⁴¹ strongly associated with the political crisis of the mid-1980s, including the role of election cartel (see §16.2) of the National Conference and the Congress (I) in 1987 and the ensuing polarisation of the strongly destabilised political scene, which marked a gradual abandonment of secular politics by parties and the intensification and consolidation of religious programmes,

either Islamic or Hindu. At the same time, no serious factors preventing or mitigating the development of political discontent, the exacerbation of conflict and the eruption of violence were present, such as political opportunity structures⁴² or institutional democracy.⁴³

However, even the simplistic interpretations of the conflict and mechanistic explanations mentioned earlier (§15.2) attest to the fact that ‘the ideological threat, quite often charged with religious and emotional overtones, occupies an important place in India’s threat perceptions’.⁴⁴ This adds additional leverage to India’s rejection of any aspirations for true autonomy voiced in J&K, which is not merely grounded in fears of secession of the State and the so-called Pakistan-sponsored terrorism. Such aspirations, including the Kashmir liberation movement, are considered something more and above the simple threat to India’s territorial integrity and the trigger of the domino effect, namely a threat to India’s secularism (or, now with BJP governments, to India’s Hindu identity). The perceived risk is that granting self-determination to the Kashmiris will involve the Islamisation and radicalisation of the whole Indian Muslim population and undermine not only the secular character of Kashmir itself but of the whole Indian union. The Republic of India was conceived as based on strongly secular groundwork,⁴⁵ and its secularism, besides other values such as democracy, equality and central control inherited from the British rule, has been the major premise of India’s institutionalised political system⁴⁶: ‘Kashmir was intended to be the centrepiece of India’s bouquet of democratic diversity’.⁴⁷ Yielding to the Kashmiri demands for self-determination could, in the eyes of Indian nationalists, undermine the secular character of the entire Indian territory,⁴⁸ triggering a domino effect in the ideological and religious dimension, similar to the territorial disintegration of the union. That would also be tantamount to accepting what can be considered Pakistan’s fallacy, namely the two-nation theory, applicable neither to J&K nor to Pakistan and India as a whole, and is also irrelevant in view of India’s democracy.⁴⁹

Notes

1. E.g. TOMAR (2006: 50).
2. Either 13 km wide towards its Western end (IBS 26 (1983: 7)) or approx. 17 km wide from Maski O-Shayaz Glacier (on the now Pakistan–Afghanistan border) to the closed point the Panj river (on the Tajikistan–Afghanistan border) west of Khandud in Afghanistan.
3. WIRSING (1995: 63).
4. MoEA (2017-08-10).
5. MoEA (2017-12-20), GK (2018-03-25).
6. From its creation until 1947, Kashmir served as the ‘guardian of the northern frontier, without the hostility, expense and added responsibilities which its annexation would involve’ (MAXWELL 1970: 81). See also JOHNSON (2005: 95).
7. It’s hard to agree with the conclusion that at the time of partition and after, ‘in contrast to British perceptions, Kashmir had no strategic significance for India’ (JOHNSON 2005: 96).

8. ALI (2013: 32).
9. TOMAR (2006: 52), ALI (2013: 29–102).
10. Nazir (1993: 3–4), ALI (2013: 47).
11. ALI (2013: 47, 33). See also KHOSLA (1958).
12. A detailed analysis of the role of water and the Indus drainage basis: ALLOUCHE (2005: 196–238).
13. STEWARD-INGERSOLL-FRAZIER (2011: 40).
14. GILL-SAHNI (2004: 167–168).
15. SAHNI (2006: 48).
16. JAGMOHAN (2014: 805).
17. JAGMOHAN (2014: 812–813).
18. Indrajeet SINGH (2015: 135).
19. JAGMOHAN (2014: 33–34).
20. GILL-SAHNI (2004: 169).
21. GILL-SAHNI (2004: 173).
22. MoEA (2002), BOSE (2010: 217–2019).
23. JAGMOHAN (2014: 140), see also KALIS-DAR (2013: 121).
24. ZEB (2007).
25. GILL-SAHNI (2004: 168).
26. KOITHARA (2004: 76–102), RASWAN (2014: 34–38).
27. *Quora* (2016-03-04).
28. SWAMI (2007: 2).
29. Rajinder SINGH (2014: 193–206).
30. RASWAN (2014: 180), see also: M.A. SINGH (2015: 189–196).
31. M.A. SINGH (2015: 189). On 'Jihād' as Pakistan's strategy, see KAPUR (2017: 111–126).
32. ANAND (2011: 45–47).
33. KISHWAR (2005: 282).
34. HOODBHOY (2013: 120–123).
35. Cf. WIRSING (1995: 115): 'This argument (i.e. Pakistan's involvement—P.B.) very conveniently deposits at Pakistan's doorstep major responsibility for the misfortunes currently befalling the Kashmiri people. It essentially exonerates Indian leaders of political mismanagement and of responsibility for violence and brutality in the state.'
36. See: BALCEROWICZ (2011).
37. WIMMER-MIN (2006: 317).
38. Some of these are discussed in WIDMALM (2012: 25–29).
39. WIDMALM (2012: 2–3, 83–93). See also Deepti SHARMA (2015) and KAPUR (2017: 81–110).
40. Cf. KUMAR (2012: 88–89, 103–111). This includes, among other aspects, '(a) violation of the special status granted to the state by the constitution (b) closing off of democratic space to political contestation, (c) imposition of repressive legislation and (d) major violations of moral rights of the people' (CHANDHOKE 2012). See also BOSE (2003: 44–101).
41. Secularism should be distinguished from secularisation which 'relates essentially to a process of decline in religious activities, beliefs, ways of thinking and institutions that occurs primarily in association with, or as an unconscious or unintended consequence of, other processes of social structural change'. On the other hand, 'secularism is an ideology; its proponents consciously denounce all forms of supernaturalism and the agencies devoted to it, advocating non-religious or anti-religious principles as the basis for personal morality and social organization' (WILSON 1987/2005: 159/8214).
42. SCHOCK (1996), WIDMALM (2012: 24).

43. GURR (1993: 187): 'Institutional democracy ... generally facilitates communal protest and discourages rebellion, whereas democratization appears to inhibit protest but has significant effects on rebellion', and GURR (1993: 189): 'Consistent with other macro-analyses of conflict behaviour, we found communal protest to be characteristic of institutionalized democracies, whereas communal rebellion prevails in nondemocratic states'.
44. TOMAR (2006: 38).
45. OLLAPALLY (2008: 121–123).
46. AKHOURI (1987: 125), OGDEN (2014: 22–25). See also: EoI (1999): 'India has been regarded as the world's largest functioning, stable and secular democracy since its independence over five decades ago. And the democratic tenets that govern the rest of India have also held sway in the State of Jammu and Kashmir'.
47. BOSE (2003: 44).
48. In this sense, Kashmir is considered by politicians, such as prime minister Atal Bihari Vajpayee (Independence Day address, 15.08.2002), 'not a piece of land; it is a test case of secularism in India', see KALIS–DAR (2013: 119).
49. EoI (1999): 'Kashmir is not an Islamic or a religious issue and the two nation theory has been seen to be irrelevant. A sizeable Muslim community chose to live in India at the time of partition rather than move to Pakistan'.

16 Transforming identities and ideologies

Piotr Balcerowicz

16.1 The Kashmīrīyat construct and Kashmiri nationalisms

At the time of the partition and the accession of the (former) Princely State of Jammu and Kashmir (PSJ&K) to India, Sheikh Abdullah and most other prominent Kashmiri leaders who remained within the territories administered by India opted for a secular vision of the new state. Such a vision was rooted in the idea of Kashmīrīyat, a concept of a distinct ethnonational identity of the Muslim and Hindu Kashmiris, developed relatively late, unknown before 1932, still absent in the tumultuous events of 1931, often (but rather erroneously) thought to mark the beginning of the anti-Dogra political agitation.¹ It should also be remembered that ‘a progressive and secular complexion’ the national movement of Kashmir assumed at that time was never radically secular or entirely dissociated from its religious background and rather tended to ‘fuse traditional Muslim values with the ideas of the progressive reconstruction of society’, occasionally marked with some overtones of socialist social programmes.² It was an important step in the nation-building process necessitated on the one hand by the requirement of political groupings to politically expand from the stage of a *Muslim* Conference to that of a *National* Conference and, on the other, by the need of the non-Muslim population of Kashmir, especially the Kashmiri Pandits, not to be left behind in the political process. At the same time, it was a ‘first and foremost anti-British’ movement in its beginnings.³ As a result, an idealised constitutive narrative was constructed of a joint protonational Kashmiri identity of the Muslims and Hindus who had amicably and peacefully inhabited the Vale over centuries and shared the same national ethos and cultural symbols. Such a narrative overrides the history of iconoclasm and persecution as well as a number of demolished religious sites, such as the Martand Sun Temple (Mārtaṇḍa Sūrya Mandir), Ādi-Varāha Temple of Viṣṇu in Baramula⁴ or both Avantivarman’s temples in Avantipura, all destroyed by Sultan Sikandar Butshikān ‘the Iconoclast’ (r. 1389–1413).⁵ Behind the idealised process of peaceful coexistence which was to redefine, or even create, the point of reference for the emerging new political identity and loyalty, and to project a vision of a Kashmiri syncretism of diverse

cultural traditions and religious beliefs on the Kashmiri history,⁶ were political leaders such as Sheikh Abdullah and other Kashmiri nationalists, among them Prem Nath Bazaz or Ram Chandra Kak.⁷ Such a syncretic vision, forging a new nationalism different from either Indian or Pakistani national identities,⁸ and embracing distinct religious, linguistic and ethnic identities in a unified form under the *Kashmīrīyat* construct was an essential step in projecting a future vision of the region, and also in safeguarding relative social stability, veering away from the risk of communalist strife and religious fanaticism, and instead providing for a certain stability between the economic deprivation and political marginalisation of certain groups whilst preserving the dominance of the privileged elites, with Kashmiri Pandits and Muslims on both flanks of the divide.⁹

The concept developed in reaction to two strongly polarising religiously inspired movements, the Muslim political movement of the *Mīr Wā'iz-e-Kashmīr* (hereditary 'chief preacher of Kashmir', with the seat Srinagar) on the one hand, which promoted a rather conservative reading of Muslim values as a basis of the self-identification of the population of the Kashmir Vale, and the similar and much earlier movement of *Ārya Samāj* (the Assembly of the Noble Ones)¹⁰ on the other.¹¹ Once PSJ&K acceded to India, political leaders both in Kashmir and in Delhi took the secular character of Kashmir for granted, and in many respects, it remained so as the basis of Kashmiri politics, even at times of political turmoil such as the turbulent events of the mid-1980s.¹²

Kashmiri secular nationalism developed against the backdrop of two other nationalisms: religious and ethnic,¹³ and represented a mix of secular and ethnic identities. Repeated and sordid abuses of the democratic process and a gradual transformation of the political order in the period from as early as the 1950s, including the arrest of Sheikh Abdullah, in subsequent decades marked by frequent misuses of presidential orders from the Delhi centre, the curb on the autonomy guaranteed by Article 370,¹⁴ a gradual degrading of democratic institutions, a process which accelerated, especially in the 1983 post-election crisis and in 1984 when Farooq Abdullah, the leader of the democratically elected National Conference, was unconstitutionally ousted and Governor Jagmohan, encouraged by Indira Gandhi, meddled in the politics of Kashmir which led to direct, albeit behind-the-scenes New Delhi central control through the instrument of the Governor's Rule imposed in the State—all this marked a drastic decline in democracy in Jammu and Kashmir (J&K)¹⁵ and eventually led to the emergence of 'abusive secular nationalism' which, as a reaction, provoked an Islamic resurgence¹⁶ (frequently referred to as the Kashmiri Muslim Uprising¹⁷) among the population of isolated Muslims in the Valley, who prior to that 'never developed extensive ties with Muslim communities in the rest of India'¹⁸ or with those outside it.

Traditional popular religiosity among Kashmiri Muslims, based on inclusive *Šūfīsm*, also faced serious challenges from such reformist groups as 'Ahl-e-Ḥadīth and *Jam'āt-e-Islāmī* in the course of the twentieth century which,

despite a number of differences, promoted a new approach to Islamic and Kashmiri identity, this time interpreted as Islamocentric. Their scripturalist, fundamentalist critique of popular *Šūfīsm*, which included condemnation of ‘practices associated with the shrines as “unislamic”, “Hinduistic”, “backward” and “superstitious”, and as serving to dampen political radicalism’,¹⁹ was originally confined to the urban middle classes but gradually infiltrated other strata of Kashmiri society. With the outbreak of the mass movement for self-determination at the turn of 1980s and 1990s, traditional *Šūfīs* were criticised for their indifference and lack of enthusiasm for the militant movement, and popular sympathy began to gravitate towards other forms of Islam, more scripturalist and fundamentalist, which could easily be linked to extremist Islamist ideologies. The ideological and political vacuum created by the politically suicidal move of Farooq Abdullah, who returned to power and signed the accord with Rajiv Gandhi in 1986 through which the National Conference joined hands with the ‘usurper’ Congress, was quickly filled by the Muslim United Front (MUF) and other groupings, among which was the secular Jammu Kashmir Liberation Front (JKLF) at a slightly later stage.²⁰ Such popular and unequivocal slogans as: *ham kyā cāhte?—āzādī! āzādī matlab kyā?—lā ‘ilāhā ‘illā llāh!* (‘What do we want?—Freedom! What is the meaning of freedom?—There is no god but God!’), i.e. the *ash-Shahādah*), *ham kyā cāhte haiṁ?—nizām-e-muṣṭafā!* (‘What do we want?—The government of the Chosen One [the Prophet]!’), i.e. the rule of religion), *Āīn Hindustān kā?—mamzūr nahīm, mamzūr nahīm!* (‘Constitution of Hindustan (India)?—We reject, we reject!’), *kaśmīr meṁ agar rahnā hai, allāhu akbar kahnā hai* (‘If you stay in Kashmir, you say: Allah is great!’) or *Ash-sharqīyah wa al-ghār-bīyah—ummaḥ wahda islāmīyah* (‘Neither East nor West—just united Islamic community!’) were first encountered as chants during street demonstrations in around 1990. These phrases symbolically reflected an important shift in the collective consciousness which, within a decade, translated into ‘a clear and perceptible trend [which] has emerged that the youth in Kashmir is turning to Islam in many ways... A public survey in 2011 found that 61 per cent of the Valley’s youth is listening to religious sermons on their audio/MP3 players, and a lesser but politically significant figure of 25 per cent of youth identified the local mosques, especially on Friday prayers, and graveyards as a meeting point with their friends’.²¹

16.2 A tilt towards religion and its political underpinnings

The changes in the arena of the political representation of people’s aspirations and progressive transformation of religiosity and the religious identification of Kashmiri Muslims with a marked tilt towards other interpretations of Islam introduced a new channel to the Kashmir militant movement characterised by strong *Jihādī* overtones and a pan-Islamic agenda, alongside the traditional, secular *āzādī* project.²² The complex ideological, structural and operational crisis which plagued vital state institutions and

administration, established parties and the political system itself in Kashmir exposed the weakness of what was considered the secular foundations of the state, despite their initial vitality and popularity. Compounded with political fragmentation and changing identities,²³ ‘the level of secularism, ... by 1989 had reached an all-time low in the eyes of many Kashmiri Muslims’.²⁴ However, such anti-secular tendencies were not new in Kashmir. They naturally emerged in the 1930s as an Islamic reaction to the changing political scene after Kashmiri nationalist ideas synthesised with *Kashmīrīyat*, the notion of a non-communal and pan-Kashmiri sense of belonging and identity conceived by relatively secular Muslim and Hindu politicians which had first been floated as a political programme to transform Kashmir,²⁵ and they have remained there, often with a radical twist.²⁶

One can justifiably view the period—which started with the unconstitutional dismissal of Farooq Abdullah’s government in 1984 by Governor Jagmohan, his party defector G.M. Shah’s short-lived and corrupt regime, infamously responsible for engineering the first communal (anti-Pandit) riots in post-partition J&K in February 1986, and which culminated in the State Assembly elections in April 1987 that coincided with a general political mobilisation around the idea of Muslim identity—as a threshold. Most importantly, the process of dismantling democratic structures in J&K which began in 1983 and continued till the eruption of violent dissatisfaction in 1989, contrasted with a politically peaceful period between 1977 and 1983 that had ensued after the democratic breakthrough of the elections to the J&K Legislative Assembly in 1977, considered by many to be first free and fair elections in the State.²⁷ The Farooq-Rajiv Accord signed in November 1986 first paved the way for Farooq Abdullah’s new reincarnation of the National Conference and the Congress (I) to forge an opportunistic tactical alliance, despite seemingly insurmountable ideological differences, to form a new government and to prepare to jointly contest the seats in the 1987 elections. The cooperation of two major political forces and opponents in J&K practically monopolised the political scene, by creating a kind of ‘election cartel’²⁸ driven purely by the desire for power. This was opposed by a large majority of the population and other political and social organisations and met with utter contempt and rejection.²⁹ In reaction, MUF emerged comprising a range of parties such as *Jam‘āt-e-Islāmī* led by Ali Shah Geelani, *Ummat-e-Islāmīyya Jammū Kashmīr* of Qazi Nissar, *Anjuman-e Ittihād-al-Muslimīn* and rallied alongside other groups such as the Islamic Study Circle, the Muslim Education Trust, the Muslim Welfare Society, *Islāmī Jam‘iyat al-Tālābā* (Islamic Students Association), the youth wing of the *Jam‘āt-e-Islāmī*, *Majlis Taḥaffāz al-Islāmī* (Council for the Preservation of Islam), *Jam‘iyat al-Ḥadīth* (Association of the Muslim Tradition), the *Shī‘a Rābiṭa* (Union) Committee, *Idāra Taḥqīqāt* (Research Institute), the People’s Conference led by Abdul Ghani Lone, the People’s National Conference led by G.M. Shah and some of more radical outlook and militant character such as the People’s League and *Maḥāz-e-Āzādī* (Liberation Front).³⁰

The political corruption and hypocrisy, as well as the message of secularism behind the Farooq-Rajiv Accord, was widely denounced by the leaders who mobilised the enthusiastic masses around the ideas of true self-determination, a revival of fundamental Islamic values and grounding the Kashmiris' identity on Islam as a response to what they considered secularist duplicity.³¹ However, the calls for the restoration of democracy meant, first and foremost, the 'restoration of democratic rights of Kashmiri Muslims' in order to safeguard their interests,³² and the political leaders of the Muslim movement adopted 'a strategy which in the end ma[d]e democracy the vector of its success and constitute[d], objectively, the condition of its political survival'.³³ That the elections—like all the previous ones³⁴—were rigged was obvious to all: despite a higher-than-average turnout of 75% and a large mobilisation against the National Conference-Congress coalition, it secured 60 seats out of 76, with the Bhāratiya Janatā Pārtī (BJP) winning two, and the remaining eight going to so-called independent candidates related to MUF.³⁵ The balloting results having been tampered with by the election cartel of the Congress (I) and the National Conference, the ensuing disillusionment with the democratic process and subsequent resentment against Farooq's regime, which failed to tackle the State's problems of unemployment, poor infrastructure and corruption, bolstered the massive backing for groupings situated rather on the fringes of the polarised political stage who, in no uncertain terms, identified themselves either as Hindu or Islamic.³⁶ The sense of continued marginalisation and dissatisfaction with India is reflected in the fact that 'today the majority of Kashmir's Muslims largely believe that they are scarcely better off than they were through 101 years of Dogra rule',³⁷ and this has sustained the process of their reidentification with a stronger emphasis on Islam, which is not necessarily tantamount to Islamisation or religious radicalisation.

Kashmiri authors usually exercise special caution not to highlight the ideological-religious shift which has been taking place in Kashmir mostly out of fear that this could be used as political ammunition by Indian nationalists and Hindutva-oriented politicians, and the popular political movement would be dubbed as fundamentalist,³⁸ and instead prefer to interpret the ideological change involving the shift towards a Jihādīst vision in South Asia as a process hijacked by a handful of radicals who do not represent the majority.³⁹ It is true that the process of the ideological transformation of the society has not translated into a wide support for the extremism and religious radicalism which was on the agenda of such organisations as Hizb ul-Mujahideen (Ḥizb al-Mujāhidīn) and similar groups, for 'it was precisely due to strict adherence to Islamic ideology that the Hizbul lacked popular support in the Valley'.⁴⁰ Militants and other groups which advocated Kashmir's merger with Pakistan and the Islamisation of Kashmir, supported by Pakistan and Afghan militants,⁴¹ were seen by the majority of the Kashmiri population as a warning sign, and in addition, 'the Taliban's imposition of medieval anarchic practices had brought home the dangers of Islamizing Kashmiri

society'.⁴² At the same time, however, it cannot be gainsaid that some kind of gradual 'Islamization' of Kashmir was instrumental in undermining the common Kashmiri identity earlier forged as *Kashmīriyat*, and 'the people of Kashmir began to think of themselves in terms of Hindus and Muslims rather than just "Kashmiris"',⁴³ a process aided by the general usage of Urdu instead of Kashmiri in the State.⁴⁴ In this way, the postulated 'precious secular harmony of the once-placid Valley'⁴⁵ of Kashmir was eroded. Contributing to the process of a gradual change of Kashmiri identity and enhancing its religious aspect has certainly been the experience of tens of thousands Kashmiris imprisoned by the Indian state and of their families and relatives. As Azam Inqilabi, a former chairman of the United Jihad Council (*Majlis al-Jihād al-Muttaḥida*), explains: 'My own experience is that as I spent more and more time in jails my prayers grew in power. I don't think long stretches in jail reduces the resolve of a committed warrior or ideologue. It increases. ... In a democratic set-up, there should be perpetual effort to be in a constant rapport with the dissidents'.⁴⁶ Such a constant engagement was lacking, which led to the alienation of large sections of the Muslims. The Kashmiri identity today is at a different place than it was 30 years ago and it is not simply a result of insurgency and militancy: religion has become one of focal points of national identity to a greater degree than ever before.⁴⁷ A much more vigorously professed adherence to Islamic values as well as a recognition of the meaningfulness of political Islam have become *fait accompli*, a new domesticated ethos, which has marginalised the long-established spirit of *Kashmīriyat*.⁴⁸

This is now also reflected in the voting behaviour of Muslims both in Kashmir and (elsewhere) in India: 'Muslim voters are more likely to vote for Muslim candidates, generating an average electoral gain for Muslim candidates in the order of seven to eleven percentage points, and more in close contests. Where the Muslim population is sizeable, this gain could be the difference between winning and losing'.⁴⁹ Such electoral preferences indicate a palpable alienation of the Muslim community, in particular in Kashmir, and a shift in Kashmiri Muslims' identity, but also deepen the growing religiously based communal cleavage nationwide.⁵⁰

16.3 A transformation of the Kashmiri identity and its constructs

The change which has taken place is that of defining all Muslims residing in J&K as Kashmiris, with a pronounced expansion of the Kashmiri identity originally confined to the residents of the Vale of Kashmir, which clearly also allowed for non-Muslim identities, especially the Kashmiri Pandits, to be included in the *Kashmīriyat* ethos. Certainly, one of the factors which impacted the transformation of Kashmiri identity was the expansionist vision of a religious-national identity hidden behind the multifaceted term 'Hindu', the meanings of which oscillate between two semantic poles: culture

and religion, or the 'fatherland' (*pitṛ-bhū*), or 'motherland' (*mātr-bhū*), and 'holyland' (*punya-bhū*).⁵¹ The concept of Hindutva deliberately conflates the rich semantic spectrum with the conclusion that Muslims may not necessarily be excluded from the Indian nation but rather they should be assimilated in the sense of acknowledging the centrality of Hinduism to Indian civilisation with all this entails. Such a vision is strongly exclusionary and polarising, both in principle and its practical implementation,⁵² and has also forced Kashmiri Muslims to redefine their identity, which includes both an emphasis on its religious dimension as distinct from 'Hindu', and also in the context of the attempts in India and Pakistan to craft their respective national identities.⁵³

As a result, Kashmir has assumed a powerful symbolic dimension in universally projecting the Hindu and Muslim divide within *all* India, not only with reference to the ethnoreligious chasm within J&K.⁵⁴ Interestingly, the ideological crisis involving the clash of a secularist vision of the state with a search for a religious alternative coincided with a similar ideological vacuum in Indian politics in the late 1980s after the Punjab crisis, which was soon filled by anti-modernist and anti-secular arguments, nurtured by the Hindutva ideology.⁵⁵ This, combined with the 'de-Hinduisation' of the Kashmir Valley as a result of the vast migrations of the Kashmiri Pandits to other parts of India, in which militant forces had their role to play, led to a progressive conflation of the two other semantic poles: 'the Kashmiri' and 'Muslim', and imparted 'a serious blow to the secular fabric of the Kashmiri identity'.⁵⁶ However, despite the change, the Kashmiri Muslims' distinct identity has never merged with that of India's Muslims nor was it diluted in the pan-Islamic identity, although some political-religious leaders such as Ali Shah Geelani would like to see such a pan-Islamic link.⁵⁷ Kashmiri Muslim identity has remained strictly correlated to their sense of distinct ethnonationality and history. It is a basic fallacy committed by Hindutva ideologues and Indian nationalists to view Kashmiri Muslims as sharing the same identity with Muslims elsewhere in India (or in Pakistan), and it is based on the misconception of a monolithic Muslim community (*ummaḥ*), also projected by various Muslim fundamentalist centres worldwide.

Irrespective of what the actual factors responsible for the transformation of the Kashmiri identity in more than last three decades have been and of how much the contemporary Kashmiri identity is either (culturally) Muslim or (politically) Islamic, both the invariable presence of strong references to Muslim identity among the Kashmiris, accompanied by the perceptible growth of the popularity of political Islamic ideologies (albeit not necessarily extremist) and of the role of Islam in public life, as well as the evolution of the self-identification of the Kashmiris which incorporates references to Islamic values, the perception, albeit unwarranted, has been strengthened in the New Delhi political centre and Indian mainstream media that the Kashmiris are susceptible to religious radicalisation, Islamisation and the ideology of militant Jihādism, which can only buttress separatist demands,

and as consequence, bring in ‘the question of the loyalty of the Muslim community as a whole towards India’.⁵⁸ The definite, albeit seriously limited, presence of pan-Islamic ideologies in Kashmir sustains India’s apprehension that these may increase and also spill over to other parts of India or form a united front of pan-Islamism within the Republic, contributing to communal strife, separatism and terrorism. That is why many in India resist the mere thought of Kashmiris’ links to such ideologies, considered foreign imports, and also strongly object to any external voices of support for the plight of the Kashmiris, especially those coming from other parts of the Muslim world, such as the Organisation of Islamic Conference,⁵⁹ seen as supportive of the Pakistani cause.

Even though ‘there is no authoritative information about the presence of ISIS in Jammu and Kashmir’⁶⁰ and ‘no presence of Al Qaeda or ISIS establishing base in India’,⁶¹ every situation in which an Islamic State (ISIS) flag happens to be displayed in Kashmir is extensively circulated throughout the Indian media and received with horror by the population as a harbinger of the arrival of the most extreme form of Islamic militancy to India,⁶² despite the fact that most experts would agree that ‘the ISIS flags should be seen as a provocation and protest against India’s multi-cultural democracy which has failed to recognise the demands of Kashmiris’⁶³ and an act meant primarily to irritate the Indian army and police. As a result most Indians view ISIS as the pre-eminent threat to India,⁶⁴ and this is indirectly related to how Kashmir and its population is perceived.

16.4 The demographic threat to India’s security and the sexual Jihād

There is still another important layer of the ‘national insecurity’ which allegedly Indian Muslims, and the Kashmiri Muslims are treated as an extension thereof, instil in India’s Hindutva mind, especially when viewed from the now dominant nationalist perspective, according to which the Hindu blood should prevail. The threat is construed to derive from the alleged sexual dimension attributed to Islam and Muslims, an aspect which occasionally comes to the surface in public and political discourse. The Muslim population is portrayed as a commando of vigilant activists who wage a sexual Jihād against India and its autochthonous Hindu population in at least two ways. By means of the first stratagem, Muslim males conduct secret Jihād by seduction, enticing innocent, unsuspecting Hindu girls to their folds, thereby diminishing the Hindu population, weakening family ties and impairing the perennial heritage of Hindu fundamental values. Following their cunning plan, as Hindutva ideologues view it, to ‘allure, attract and abduct young Hindu girls for marriage to the Muslims’,⁶⁵ Muslim male activists are ‘using Kafir women in the service of Muslim demography’.⁶⁶ The other important long-term tactic believed to be deployed by the Muslim population as a whole is demographic warfare, which poses an ‘existential

demographic threat' to India,⁶⁷ an argument which strikingly resembles the one used against the Palestinian population in Israel and in the occupied Palestine by Israeli right-wing leaders, and in Europe against minority groups by fascist activists. If a Muslim man fails to seduce a woman, the argument goes, he assaults her sexually. Statistical indications of generally higher fertility rates among Muslims in the world in general, which are brought up in support of the argument, are considered not in their actual social, educational and economic background⁶⁸ but as a simple implementation of a long-standing comprehensive master plan to tilt the demographic ratio in India to the side of Islam.⁶⁹

This approach has a direct bearing on how many in India view Kashmir and relate criminal acts to it, which is instantiated in the following remark: after the 2002 Gujarat riots, 'a policeman in the town of Ayodhya, rationalised the well-documented reports of sexual violence against Muslims with this comment: "If rape did occur in Gujarat, so what, it is what they (the Muslims—P.B.) did in the past, they did it to the Kashmiri (Hindu—P.B.) women. *Gujarat kanda* [incident] in fact reduced rape by warning Muslims that the Hindus will respond in kind".⁷⁰ Kashmir and Kashmiri Muslims are perceived in the light of such demographic tendencies despite the fact that such statistical fertility trends are not necessarily reflected in J&K as compared with the rest of India. For instance, according to Censuses of India carried out in 1961 and 1971, crude birth rates (CBRs) in Muslim-majority J&K between 1967 and 1972 oscillated around 42.1–36.8 (rural areas)/25.6–20.7 (urban), as compared to 44.6–41.6/34.9–32.1 in Hindu-majority Gujarat, 45.7–43.4/34.9–32.1 in Uttar Pradesh and 46–39.1/32.1–29.7 in Madhya Pradesh.⁷¹ Similarly, in 2015, the average CBR was only 16.2 in J&K as compared to 20.4 in Gujarat, 26.7 in Uttar Pradesh, and 25.5 in Madhya Pradesh.⁷² Further, the average number of live births per married woman until menopause in the 1961 Census was 4.7/4.9 (rural/urban) in J&K as compared to 6/5.7 in Kerala, 5/5.1 in Gujarat and 5.7/5.9 in Madhya Pradesh.⁷³ With a strong declining tendency, the fertility rate measured as the total average number of children born per woman as of 2014 was 2.7 in J&K, 2.7 in Chhattisgarh, 3.2 in Uttar Pradesh and 2.8 in Madhya Pradesh.⁷⁴ Within J&K, the share Muslims and Hindus remained the same, with Muslims constituting 68.31% and Hindus at 28.45% of the total population according to the 1961 Census of India, and half a century later Muslims accounted for 68.31% and Hindus 28.43% of the total population according to the 2011 Census of India.⁷⁵ To provide a reliable analysis of any demographic trends, one should take a range of factors affecting fertility, and religion is just one of them, and not one of any prime importance at all.

16.5 The wreckage of secularism as foundation

The deterrence against a possible encroachment of politically motivated Islam, with a strong political agenda to reform the foundations of the state,

to mobilise the ethnonationally defined masses around religiously inspired political objectives and to reshape the demographics of India, used to be strongly linked to the defence of India's, and for that matter J&K's, secular foundations. However, the defence of secularism is no longer as critical for India.⁷⁶ Secularism has even become an obstacle in the socially engineered creation of the brave new world of India's Hindutva nation.

With the new government formed by the National Democratic Alliance (NDA) led by BJP in 1998, a marked shift in the core normative practices of India's political identity, defined as a component of India's security identity, can be clearly observed under the impact of BJP policies, which some see rather as a 'gearshift', 'signifying not a change in direction but stepping up and acceleration' of processes which had already been in place.⁷⁷ Security and identity, which can serve as the normative basis of India's foreign policy, can be construed as resting on three sources, the first of which being of relevance in our discussion: (1) the political, which conceptualises the ideological and social basis of the state, (2) the physical, i.e. India's geographical composition and strategic location and (3) the perceptual, which comprises the perception of India's international role by both Indian and foreign political elites.⁷⁸ The first of these components concerns the normative and ideological framework within which the political system of India is defined, and these underwent a marked process of change after 1998 with the BJP/NDA coalition redefining the character of the Indian nation as Hindu and accordingly rewriting Indian history into a 'mythistory' with the aim of inculcating a sense of national pride and lending legitimacy to the politics of cultural nationalism.⁷⁹

The result has been a visible transformation of the secular disposition of the Indian state and abandonment of basic premises of the Indian political system. A thorough Hinduisation of state ideology has ensued across various aspects of public life, political practice, administration and domestic governance,⁸⁰ including the federal level of centralisation of the centre-peripheries (capital-states) relations,⁸¹ media,⁸² the education system,⁸³ science and research, foreign policy etc.⁸⁴ In the post-2004 period with the victory of the Congress-led United Progressive Alliance 'different ideologies (namely those of the BJP and Congress) do produce different security (domestic and foreign policy norms)' and 'BJP-led NDA regime did importantly inculcate several substantive changes to India's security policy and finally these normative changes shaped security policy into the post-NDA period, producing an irrevocable gearshift in India's security practice'.⁸⁵ This effectively transformed the ideological underpinnings of the political state structure, with the emphasis differently distributed through different phases, either with an aggressive and militant Hindutva nationalist agenda represented by the Lal Krishna Advani faction, with a frenzied attack against 'pseudo secularism' or with the more conciliatory approach of Atal Bihari Vajpayee and his faction.⁸⁶ A temporary loss of power in the 2004 elections for the next ten years did not really overturn the ideological

changes in India's identity and the norms structuring it, and a kind of a paradigmatic shift in India's polity and normative values which occurred in the 1998–2004 period continued to define India's foreign and internal policies in many ways under the Congress⁸⁷ due to the successful 'awakening of the Hindu Mind and Spirit' of true India,⁸⁸ the singular truth of the Indian nation being embodied in the idea of Hindutva.

Throughout the period beginning in the early 1990s, 'Hindu nationalism participated in a new currency of images, building on possibilities that arose in the wake of economic liberalization and national television',⁸⁹ which have quite successfully moulded the brave new *Homo indicus hindutvavādīs* as a modern paradigm of the Indian nation. The return to power of the BJP-dominated NDA, and the paramilitary wing of the Rāṣṭrīya Svayamsevak Saṅgh (RSS), with its new reincarnation under Narendra Modi and unprecedented popular support for his programme of the renaissance of national pride, pushed India even deeper towards a far-reaching reconstruction of its national identity now based on the exclusion and victimisation of non-Hindus.⁹⁰ The widespread acclaim for the new political project based on Hindutva and extreme nationalism is reflected in the rapidly growing trust level in government institutions in Modi-era India from 43% in 2012 up to 75% in 2017 and 70% in 2018.⁹¹ Such a resurgence of the Hindutva political block after the thaw of the Congress rule between 2004 and 2014 should not come as a surprise: the previous BJP-led NDA coalition 'saffronised' state institutions to a sufficient degree and successfully challenged the normative structure of domestic politics, and as a result managed to set the domestic trajectory towards a new set of core norms, which would eventually redefine Indian democracy along more majoritarian and communalist lines.⁹²

In many ways, when the Hindutva doctrinaires had gained the unprecedented majority which offered them unrestricted access to remodelling the whole state and its structure, the uninterrupted narrative of Hindu nationalism was consistently woven into the fabric of India's internal and foreign policies⁹³: it has set the ideological direction of the government on the domestic plane and has become a key determinant of India's conduct on the international stage. For these reasons, given the rising support for Modi and the BJP, the declining popularity of the Gandhis and the Congress and Indians' satisfaction with their government and their democracy, the BJP repeated, or even surpassed, its success in the 2019 elections, which almost gave the party full powers to change the constitution.⁹⁴ The post-2014 period should be seen as a turning point in defining India's identity as momentous as the 1971 civil war in Pakistan, which resulted in its break-up, subsequent redefinition of its Muslim identity and the process of gradual Islamisation and Talibanisation of Pakistan.⁹⁵ India has entered a comparable phase of Hindutvaisation and Saffronisation, albeit without any post-war traumatic experience, unlike Pakistan.

Under the current circumstances, the process of the radical redefining of Indian nationhood around the primary concept of Hindutva has eliminated

secularism from the core normative values of India, and the secular foundations of the Indian Republic have become almost obsolete,⁹⁶ replaced by two mirror religious national visions, both deriving from the two-nation theory, albeit with different trajectories. Both national (political) Islam and the Hindutva ideal in the Subcontinent amalgamate religious and national identities, which by no means represent primordial attachments inculcated by immutable traditions but rather emerge as specific products of political contest and inhere in bipolar context in which the one needs the other for its own advancement and survival.⁹⁷ The political vision of a secular democracy has been decisively replaced with religious 'dharmacracy'.⁹⁸

The process has received significant stimulation from an active measure undertaken to influence and dominate public language to control the collective mind in a manner similar to George Orwell's *Nineteen Eighty-Four* and the newspeak. Hindutva propagandists advice to supplant certain expressions in the language by new ones, thus transforming the perception of reality among the Indian majority, for instance to replace 'Kashmiri militant' with 'Muslim terrorist', 'Islamic fundamentalism' with 'Islam', 'Kashmiri migrants' (i.e. Kashmiri Pandits) with 'Hindu victims of ethnic cleansing', 'moderate Islam' with 'Opportunistic Islam', 'Sufi-Islam' with 'Mask-of-Islam', 'human rights' with 'terrorist rights', 'composite culture' with 'bastard-harem culture', 'Leftists and Communists' with 'Agents of Islam' or 'Hindu communalism' with 'Nationalism'.⁹⁹

The new vision of India embraces a range of seemingly non-political issues, such as regulating dietary practices through the imposition of a total ban on cattle slaughter (euphemistically called in the West 'beef production') and its sale, but even on its consumption in the fifth-largest beef producing (i.e. cattle slaughtering) country¹⁰⁰ in the world and world's top beef exporter in last five years,¹⁰¹ the prohibition, which is already contained in the form of a recommendation in Article 48 of the Constitution under the Directive Principles of State Policy, which is officially enforced in some states of India and, in addition, which is in place implemented by mobs lynching those (mostly Muslims) suspected of either trading in or consuming beef.¹⁰² The nationalist program to make India truly independent of any external influence also extends to politically important aspects of public life and the functioning of civic society such as the monitoring of foreign funding for NGOs, including human rights defenders, which is used as an instrument to either silence or ban them. Organisations such as Amnesty International (effectively expelled from India in September 2020) can easily be accused of sedition, the promotion of anti-Indian sentiments and of being anti-national as a result, for instance, of organising a seminar on human rights abuses in Kashmir¹⁰³ or highlighting human rights, cases of corruption etc.

The ideological direction which India has taken in the last two decades under the Hindutva aegis is strongly exclusivist in the sense that it denies the right to full existence of other groups representing different religious beliefs and world views, unless they are ready to agree to the basic terms

set by Hindutva nationalists and accept the premise of neo-Hindu cultural dominance. This involves notorious breaches of a range of basic civil and human rights through intimidation and the persecution of those religious minorities which do not fit the Hindutva neo-nationalist standard and breeds a climate of impunity for offenders. Such offences concern the right to freedom of thought, conscience, belief and religion, ‘including the freedom to change [one’s] religion or belief’ (UDHR, Art. 18), through a range of official practices adopted either at the Union level or state levels, such as anti-conversion laws,¹⁰⁴ which are state-level statutes (although requiring the countersignature of the President of India) that penalise people for converting from one religion to another and require that such decisions be registered with local authorities prior to the planned conversion, with the punishments envisaged for not doing so.¹⁰⁵ Most significantly, a conversion from one faith to another is not a symmetric relation, and Hinduism receives privileged treatment: a conversion to Hinduism is treated as ‘reconversion’, which makes it a *default religion* in India, all other denominations being treated as aberrations. An offshoot of this, often enforced, sometimes violently, is the practice of the so-called organised homecomings (*ghar-vāpsī*) to Hinduism, carried out under the special *ghar-vāpsī* programmes of the Viśva Hindū Pariṣad (VHP) and its umbrella organisation the Saṁgh Parivār (Family of Organisations). This vector of (re)conversion again seems to enjoy a certain privileged legal position, as a 2015 Supreme Court judgement¹⁰⁶ indicates. To the enthusiastic reception of Hindutva nationalists, the judges concluded that reconversion to Hinduism does not result in a person converting to Hinduism (regarded as ‘the original religion’) losing quota benefits he or she would be entitled to due to his or her Scheduled Caste or Schedule Tribe status, a principle which does not necessarily hold in the conversion from Hinduism to another faith.¹⁰⁷ Naturally, due to the sheer majority of Muslims in Kashmir, no cases of *ghar-vāpsī* are reported from the State.¹⁰⁸ However, such conversion programmes strongly reverberate in Kashmir and bring resounding responses: ‘One will have to arrange Ghar Wapsi of 10 million Kashmiri Muslims!’¹⁰⁹

An event in which two other categories of ideologically driven abuses against basic human rights transpired, and which convey the exclusivist nationalist ethos of India, was the Kathua rape case of an eight-year-old girl, Asifa Bano, in J&K in January 2018.¹¹⁰ The case made headlines in India and stirred the Muslim and Kashmiri masses across the Pakistan-India borders. The girl had been raped for three consecutive days in a Hindu temple before she was strangled to death, her head hit with a heavy stone. Among those involved in the rape were four police officers and a retired government official (BJP politician). After the arrests, ‘the eight accused men found a crusading force of lawyers and ministers from BJP in their support, some of whom insisted the police investigators were Muslims and had a bias towards the accused—all of whom Hindus’.¹¹¹ The perpetrators projected themselves as defenders of the purity of the Hindu community and their behaviour was

interpreted as such by the nationalist sectors of society, including the BJP hierarchy, among them BJP ministers in the J&K coalition government who defended the accused, and by numerous lawyers of the Kathua District Bar Association and the High Court Bar Association of Jammu, who violently prevented the local police from filing the charge sheet (FIR) in the rape case,¹¹² arguing that the case was misused by the Muslim population against the Hindus, and claimed that by pursuing the case against the perpetrators, 'the State Government has failed to deal [with] the issue or [to] understand the sentiments of the people'.¹¹³

This particular case is not unique in the sense that it merely reveals in a most dramatic form a common communalist background behind the obvious barbarity of the criminal act itself. In this sense, such criminal offences should not be treated as cases of sexual violence committed by certain individuals but as instruments in pressurising minority communities, such as Muslim, Dalit etc., for the individuals often act as extensions of the general will of the majority. Comparable to dehumanising sexual violence and rape as a strategy in various armed conflicts, such a socially extended dimension is an integral component of India's rape culture, which assesses the potential gravity and criminality of an act through the communal prism and consequently exonerates the offenders as guardians of the values inculcated through a political narrative, often the Hindutva propagandist policy. In this particular case, the victim was one of a Sunnī Muslim nomadic tribe of the Bakarvāl community living in a region with a Hindu majority in J&K which wants to drive the whole Muslim community out of Hiranagar Tehsil and the region,¹¹⁴ and 'Hindus in this region see themselves as an Indian nationalist bulwark against what they consider Pakistan-backed Muslim separatists'.¹¹⁵

This case, and numerous others, clearly involves infringement of the basic human right to the choice of residence, including the 'freedom of movement and residence within the borders of [one's own] state' (UDHR, Art. 13). Any policy pursued either with strictly criminal means or with political and social pressure tolerated or encouraged by the government to force historical inhabitants out of the land they use in J&K constitutes a direct violation of Indian law, international laws and human rights (HR) regulations. The climate of Hindutva supremacy spawned and propagated by nationalist groupings, including the governing BJP/NDA, and consequently by the Indian government apparatus,¹¹⁶ directly contributes to such individual lawless acts, whether of a sexual nature or involving other criminal offences, which are at the same time classifiable as violations of human rights, such as the equal access to all rights and freedoms irrespective of the place of origin and religion (UDHR, Art. 2), 'the right to life, liberty and security of person' (UDHR, Art. 3) etc.

We should bear in mind that, first, not only Muslim girls and women fall victim to sexual violence, because J&K is not an exception to the rampant sexual abuse, including paedophilia, in India; a country where every

20 minutes a woman is reported to be raped (38,947 reported rape cases in 2016),¹¹⁷ and at the same time ‘an estimated 99.1% of sexual violence cases are not reported’, following an analysis of the unit-level data of the National Family Health Survey (NFHS) conducted in 2015–2016, which were released two years later.¹¹⁸ Second, of course not all Muslim women who are raped are victims of Hindu perpetrators, because the rapists are equally likely to be Muslim, such as in the case of a 9-year-old girl who was gang-raped and murdered by her 14-year-old stepbrother, his friends and accomplices in Baramulla district in August 2018.¹¹⁹ However, what makes certain sexual assaults against Muslim women in the State, officially ranked 16th as based on sex crime rates,¹²⁰ different is that such acts are often used as an instrument in communalist conflict and have ideological and religious contexts.

The ideological climate of Hindu supremacy allows the extenuation of such violations of human rights by projecting the perpetrators—whether ordinary individuals or mobs, politicians, organisations and institutions, the army and other armed forces—as genuine defenders of the true Indian national ethos and reducing Kashmiri Muslims, who are legitimate citizens of the Republic of India, to the status of potential ideological, secessionist, social, demographic and sexual threats to the integrity, homogeneity and true ethos of India. Driven by profound mistrust, the Kashmiri Muslims are in turn prompt to consistently categorise all criminal offences, government policies or security measures as deliberately directed against them because of their religion. The ideological backlash in Kashmir has had grave consequences for the stability and actual unity of the region, which is now confronted with different strands of nationalism roughly associated with the three ethno-majoritarian divisions of Jammu, Kashmir Valley and Ladakh: Hindu, Islamic and Buddhist, respectively. Each of them creates centrifugal, negative, exclusivist sectarian identities and contests for dominance and territory.¹²¹

One of such exclusivist identities has been aggressively mobilised through the policies of BJP and other radical parties, such as Jammū Mukti Morcā (Liberation Front), Jammū Mahāsabhā (Grand-Assembly of Jammu) and Jammu People’s Front as well as certain nationalistic Kashmiri Pandits movements, which have been demanding ‘unification with India’, a demand that materialised in August 2019 with the unconstitutional dissolution of the autonomous status of J&K (for the legal analysis see: BALCEROWICZ–KUSZEWSKA (2022b: 124–136)). With the ideal of a secular, religion-neutral state wrecked, the Hindu minority in J&K seeks protection of their identity in a complete merger with the Union, whereas the Muslim majority in J&K lives in fear of losing its religious identity.¹²² By undermining any possibility to forge even a weak common identity for J&K, which is a precondition for a genuine debate on autonomy, the clash of these three nationalisms paradoxically fosters the centralisation process and plays into the hands of New Delhi and Hindutva ideologues.

Notes

1. BEHERA (2000: 44–72), ZUTSHI (2003: 210–258). On the nexus of Kashmīrīyat and Kashmiri identity, see also: BAMOTRA (2012). For an idealised view of its origins, popularly shared in Kashmir nowadays, see: PUNJABI (1992).
2. GIYASUD-DIN (1994: 8–11).
3. WIDMALM (2012: 36).
4. From ‘Varāhamūla’ derived from Viṣṇu incarnation of Varāha, Boar.
5. Cf. KAK (1933: 31, 125, 154), SLAJE (2019).
6. See, e.g., a collection of such *ethnonationalist* mythical writings in: HASSAN-AIN (2011). On the process of idealisation of Kashmiri past and such idealised historical imagination, see: INDEN (2008), ZUTSHI (2014).
7. ZUTSHI (2003: 210–258), ARAKOTARAM (2009), BHAT (2015a).
8. WIDMALM (2012: 45).
9. RAI (2004: 274–287), see also: KUMAR (2012: 99–103).
10. BHATT (2001: 16–23).
11. CHOUDHARY (2015: 44–76), ARAKOTARAM (2009).
12. BEHERA (2000: 155–156).
13. VARSHNEY (1992).
14. See, e.g., NOORANI (2013: 556–568).
15. WIDMALM (2012: 61–95).
16. VARSHNEY (1992: 150–155).
17. WIRSING (1995: 113–142).
18. GANGULY (1997: 40) and GANGULY (2010: 187), see also KHALIDI (1992: 278).
19. SIKAND (2008: 517).
20. BEHERA (2008: 613–616).
21. BEHERA (2016: 46). See also BEHERA (2012a: 31).
22. BEHERA (2008).
23. OLLAPALLY (2008: 123–127).
24. OLLAPALLY (2008: 121).
25. GIYASUD-DIN (1994: 11–15), WANI (1997: 46–72), KHAZIR (1997: 180–221).
26. KHAZIR (1997: 180–221), WANI (1997: 46–79).
27. For an analysis of the processes in the democratic period of 1977–1983 and the decline between 1983 and 1989, see WIDMALM (2012: 56–95).
28. WIDMALM (2012: 74).
29. FERNANDES (1992: 286–288), see also BOSE (2003: 48–51).
30. Cf. BEHERA (2000: 157–158).
31. GANGULY (1997).
32. BEHERA (2000: 158).
33. GRARE (2001: 123–124).
34. On election fraud in the period 1951–1987, see NOORANI (2013: 541–549).
35. GANGULY (1997: 92–102), BEHERA (2000: 149–159), WIDMALM (2012: 73–83).
36. WIDMALM (2012: 77–78).
37. RAI (2004: 289).
38. Mohammad Ishaq KHAN (2012: 23).
39. E.g. MALIK (2005: 40–82).
40. BEHERA (2000: 180).
41. OLLAPALLY (2008: 130).
42. BEHERA (2006: 223).
43. SANTOS (2007: 74).
44. HILL–MOTWANI (2017).
45. PASHA (1992: 370). See also BEHERA (2006: 141–143).
46. KAK (2007).
47. See Mohammad Ishaq KHAN (2012), also PUNJABI (1992: 149–151).

48. BEHERA (2016: 46), BAMOTRA (2012). On a range of factors contributing to the crystallisation of the complex Kashmiri identity, with religion in the background, see KUMAR (2012: 92–130). On the process of the Islamisation of Kashmiri identity in the late 1980s and early 1990s, see: Mohammad Ishaq KHAN (2010). On the limited scale of the religious transformation of the Kashmiri identity, see: CHOWDHARY (2010c).
49. HEATH–VERNIERS–KUMAR (2015: 17).
50. On the other hand, such a preference for co-religious candidates is still not observed among Hindu voters in India (HEATH–VERNIERS–KUMAR 2015: 17), but not necessarily in Jammu.
51. SAVARKAR (1923: 110–123).
52. VARSHNEY (2002: 64–70).
53. HILL–MOTWANI (2017: 139–145).
54. Ritu SHARMA (2015: 163).
55. VARSHNEY (2002: 76–84).
56. BEHERA (2016: 44).
57. My conversation with Ali Shah Geelani on 19 June 2015. See also ANANT (2009: 767–768).
58. Ritu SHARMA (2015: 160).
59. BABA (2005).
60. JAMEEL (2017).
61. DESAI (2015: 1).
62. VOHRA (2015), FAYYAZ (2017), etc.
63. DESAI (2015: 3–4), see also: *CatchNews* (2015).
64. 66% in 2017, up 14% since 2016, PEW (2017-11: 26).
65. PALIWAL (2003: 24), ANAND (2011: 50).
66. To use a favourite phrase quoted in numerous Hindutva fora; however, it is the title of ‘the Appendix’ by ELST (1997), see also: DANGIRAM (2006).
67. OHRI (2006). For analysis, see: OSURI (2013).
68. E.g. WESTOFF–FREJKA (2007), PEW (2011), BURNER (2012).
69. ANAND (2011: 49–81).
70. ANAND (2011: 149).
71. Population of India (1974: 13).
72. Medindia (2017).
73. Population of India (1974: 15).
74. Statista (2014).
75. According to the pre-Independence census of 1941, Muslims constituted 77.11% of the total population of PSJ&K, whereas Hindus (excluding Sikhs and Jains) were at 20.12%, see: Census of India (1941: 8–13, 341).
76. RASLER–THOMPSON–GANGULY (2013: 142).
77. OGDEN (2014: 4).
78. OGDEN (2014: 12–18).
79. PANIKKAR (2001).
80. MITRA (2005).
81. ADENEY (2005).
82. RAJAGOPAL (2001), NAZAKAT (2012). See also prominent journalist Siddharth Varadarajan’s opinion: ‘Today we have a beast, an animal that bears little resemblance to what professional journalism should be like. ... Twenty to thirty years ago it was difficult to find blatant communal reporting. But today news anchors and channels do it day in and day out. Today media channels and journalists are putting drops of poison in people’s mind as the agenda is to polarise the country along Hindu versus Muslim lines’ (MALIK 2018).
83. SNEHI (2003), LALL (2005), FLÅTEN (2017), BATTAGLIA (2017).
84. BHATT (2001: 204–207), OGDEN (2014: 75–124).

85. OGDEN (2014: 186).
86. OGDEN (2014: 152–160, 193–197), GHOSH (2017: 400–431).
87. KIM (2017).
88. ANAND (2011: 84–120).
89. RAJAGOPAL (2001: 272).
90. OGDEN (2014: 179–184), SEN (2015), GHOSH (2017: 431–457).
91. ETB (2018: 42).
92. OGDEN (2012).
93. OGDEN (2014: 145–154).
94. See PEW (2017-11: 4–16), cf. NIE (2018).
95. Most experts, overwhelmed with the success of BJP and Narendra Modi's charisma, failed to notice the change, except for a handful, such as Sanjaya Baru, who commented: 'Our nation's first phase of being a republic lasted from 1950 to 2014, the second phase has begun and we are yet to see how it will grow and flourish. I don't see any constitutional changes but the political processes in the country have already begun to change' (ToI 2014-07-27).
96. BATTAGLIA (2017), KIM (2017).
97. VEER (1994: ix–x).
98. Cf. BATTAGLIA (2017: 10, 18).
99. KRISHNASWAMI (2003: 30–31), see also ANAND (2011: 101).
100. After the United States, Brazil, EU, and China, see: *Index Mundi* (2018a).
101. *Index Mundi* (2018b) and USDA (2015).
102. RAZA (2015).
103. AJN (2018-02-18).
104. Albeit these date back to the colonial era and were introduced in at the turn of 1930s and 1940s, the right to freedom of religion was eventually included in the Constitution of India under Article 25 but has been regularly contested. The first anti-conversion legislation introduced—demagogically in the name of the protection of 'freedom of religion'—at the state level was the Freedom of Religions Act, Orissa 1967. See: COLEMAN (2008: 261–263), also AHMAD (2017: 1–2). Currently (as of December 2020) they are binding in the following states: Arunachal Pradesh (1978), Chhattisgarh (2000, 2006), Gujarat (2003), Himachal Pradesh (2006, 2019), Jharkhand (2017), Madhya Pradesh (1968), Odisha (1967), Rajasthan (2006, 2008), Tamil Nadu (2002, currently repealed), Uttar Pradesh (2020) and Uttarakhand (2018), see: AHMAD (2017: 19–23).
105. COLEMAN (2008: 265), AHMAD (2017: 3–4), HOWARD (2018).
106. SCI (2015-02-26).
107. ANWAR (2015), *Indian Currents* (2015).
108. BS (2017).
109. Mohammad ASHRAF (2016).
110. *Firstpost* (2018).
111. FAREED (2018).
112. TI (2018-04-13).
113. KNS (2018).
114. FAREED (2018), *Firstpost* (2018).
115. ANAND (2018).
116. ANAND (2018).
117. NCRB (2017: xix).
118. LM (2018-04-24), cf. also BANDYOPADHYAY (2018).
119. SABERIN (2018).
120. NCRB (2017: 6): 'Table 1A.1: IPC Crimes (State/UT-wise) & Crime Rate—2014–2016'.
121. KAK (2009: 33). See also the contributions in CHOWDHARY (2010a).
122. KAK (2009: 32–33).

17 Military tagil wagging the State

Piotr Balcerowicz

17.1 The flirtation of the Indian brass with saffron nationalism

Given that the general political climate in India is profoundly suffused with saffron nationalism, which has affected all spheres of public life and society for three decades, it would be most surprising to find the apparatus of state violence—viz. the Indian Armed Forces, Central Reserve Police Force, Border Security Force, Jammu and Kashmir Police and the Armed Border Force (SSB)—completely insulated from such influences either as institutions, controlled by politicians representing the Hindu nationalist option, or as individual citizens who grow up in and constitute an integral part of a society which has been undergoing such an ideological transformation. There are many indications that such a transformation has also taken place in, for instance, the Indian Armed Forces, although any attempt to conduct consistent research in this sphere is by default impeded by ‘the security measures’ and a researcher investigating such changes may face either espionage or treason charges, which probably explains why so little has been done in this sphere to date. This blend of the military, politics and religion bears a particular relevance for J&K, where all governors have been former army generals or directly related to the army establishment or intelligence services in the last three decades, a career background which by no means could make them bipartisan civilian government officers insulated from the army mindset but instead tilted them towards viewing Kashmir, its problems and possible solutions from a military perspective. General K.V. Krishna Rao (governor in J&K: 1989–1990 and 1993–1998) was a direct participant in the first India-Pakistan war over J&K in 1947–1948 and, subsequently, commanded a battalion in J&K between 1956 and 1959. Girish Chandra Saxena (governor in J&K: 1990–1993 and May 1998–2003) was the director of the Research and Analysis Wing (1983–1986) after 16 years of service. Lieutenant General Srinivas Kumar Sinha (governor in J&K: 2003–2008) had previously served as the director of Military Intelligence, as an army general and as Vice Chief of the Army Staff. Narinder Nath Vohra (governor in J&K: since 2008) served in the army as Union Defence Production Secretary (1989–1990) and Union Defence Secretary (1990–1993).

How India's armed forces and religious nationalists interpenetrate each other can be best exemplified with the pilgrimage to Amarnath (Amarnāth Yātrā), which has caused a considerable damage to the environment and economy of the area¹ but has also been a focus of militant activities. Like most other religious pilgrimages, this Yātrā has also had its political dimension and, in its current shape, is a result of recent saffron revivalist activity. When Gulab Singh acquired J&K with the Treaty of Amritsar (1846), the new Dogra rulers needed to assert their claim to the newly acquired territory, and one of the measures they adopted was to take all Hindu shrines and temples under royal protection, and also to reinvent the Yātrā and patronise it through the Dharmārth Trust (Dharmarth Department).^{2,3}

In his *Autobiography*, Jawaharlal NEHRU (1941b: 45–46) testifies that the site was hardly visited in 1916.⁴ Until 1985, a negligible number of pilgrims between 1000 and 4000 visited the site annually.⁵ In the wake of the assassination of Indira Gandhi and the massive victory of the Congress, with the BJP reduced to merely two seats in the Lok Sabha, various Hindu nationalist outfits related to the BJP, including VHP, its affiliated youth wing Bajrang Dal (BD) and their umbrella organisation the Saṁgh Parivār, launched a campaign to 'liberate' the birthplace of Lord Rām and construct Rām's Birthplace Temple, or Rām Janmabhūmi Mandir, in Ayodhya on the site of the historical mosque of Babur (Bābrī Masjid). The campaign also drew attention to other Hindu sites, including Amarnath. As a result, the number of pilgrims soared from 2000 in 1980 to 42,000 in 1985,⁶ with a continuous upward trend and reached 600,000 in the mid-2010s.⁷ The duration of the organised pilgrimage was also extended from 15 to 60 days.⁸ The growth has been linked to the resurgence of the Hindutva ideology in India, and the activities of such organisations as BD. Over the course of time, following the pattern of Śrī Rām-Jānakī Rath Yātrā (Rām-Sītā chariot procession) to Ayodhya, a pilgrimage aimed at 'awakening the society', BD started organising similar events also to Amarnath.⁹ The local population has subsequently lost control of this religious site. For almost two decades, it has been administered by the Shri Amarnath Shrine Board (SASB). This body—directly controlled by the governor and armed forces, and with personal and career ties to the army, representing the central government—decides on all aspects of the annual pilgrimage.¹⁰ Importantly, not only does the SASB Act require that all members of the SASB Board be Hindus but also a government-appointed committee comprising representatives of the travel operators and hoteliers' associations, active there consist only of Hindus.¹¹ Such a juncture of the army, state and religion, all inextricably intertwined through the administration of the religious site,¹² makes the pilgrimage not only highly politicised but also militarised with approximately 30,000 armed forces personnel specifically amassed for the purpose of the Amarnāth Yātrā in 2015, in addition to the other troops ordinarily deployed in the region.¹³ With such a massive deployment of state, administrative and military power, the now national pilgrimage has acquired an additional dimension, perhaps

even more crucial than its original religious goal, namely that of establishing India's claim to the region in the same way as was done after 1846, and Amarnath has become one more marker of an intrinsically Hindu India in Kashmir that serves to promote a certain kind of religious nationalism by the Indian state,¹⁴ being less a religious pilgrimage and more a symbol of the mobilisation of Hindutva extremism, religious exclusivism and bigotry, with religious *sadhus* making pilgrimages to Amarnath, such as Swami Pragyananda (Svāmī Prajñānanda), enunciating in a truly army spirit: 'If any community dares to look askance at our country, our flag, we *sadhus* will gauge their eyes out ...'.¹⁵

17.2 India and Pakistan: Toxic structures of military rule

The nexus between the military and J&K is both complex and crucial, although usually not given adequate attention, with relatively few authors noticing that the actual system in Kashmir is that 'of army quasi-rule'.¹⁶

We can distinguish three kinds of such unhealthy army-political linkage with respect to Kashmir. A significant number of Indian Army officers stationed in the state have subsequently made their careers either firstly, within the ranks of Indian Armed Forces or secondly, after early leave or retirement, as notable politicians in India. In addition, thirdly, after their retirement or resignation from the army (not necessarily whilst stationed in J&K), a number of retired army officers and generals have pursued successful careers as politicians and their military mindset has impacted the roles they have played in the Indian politics. Operational service in J&K can be seen as a launch pad for their future careers which accelerate much more successfully than those following military service in most other Indian states. This is compounded with wide-ranging welfare programmes and benefit schemes for defence personnel, which include a wide spectrum of various incentives, perks and benefits, including higher financial remuneration for operational service, better rations, risk, hardship and other allowances, supported both by the federal government (primarily the Ministry of Defence) and the J&K government. All this creates a particular kind of mental attachment to the Kashmir conflict which nurtures a comfortable situation of guaranteed positions and thereby contributes to an unwillingness to look for feasible solutions, because any solution of the conflict would necessarily limit the career prospects and benefits of the officer class. Even a cursory analysis of various dedicated online resources accessed and used by the defence staff and social media open to potential recruits attests to 'lots of salary and security of life' as well as dignity and pride as the prime powerful drives, most frequently mentioned, for officers and soldiers serving in J&K, and also for civilians opting to join the armed forces and serve in the region.¹⁷

The list in the first category includes those who reached the highest position in Indian army as Chiefs of the Army Staff in independent India, and whose professional careers received decisive benefits from service in

J&K: General Satyawant Mallanna Shrinagesh,¹⁸ General Kodendera Subayya Thimayya,¹⁹ General Ved Prakash Malik,²⁰ General Sundararajan Padmanabhan,²¹ General Deepak Kapoor,²² General Nirmal Chander Vij,²³ General Bikram Singh,²⁴ General Dalbir Singh Suhag,²⁵ General Manoj Mukund Naravane,²⁶ who praised the ‘removing Article 370’ in 2019 as ‘a historical step’,²⁷ and the current (as of 2020) and most outspoken Chief of Defence Staff (previous Chief of the Army Staff) General Bipin Rawat²⁸ often criticised for his meddling in Indian politics, and also for his hawkish approach to Kashmir.²⁹ In the second category of former army officers who had served in J&K, we find retired Chiefs of the Army Staff-turned-diplomats who have represented India’s interests abroad as diplomats in the Ministry of External Affairs and actively influence India’s foreign policies, such as General Jayanto Nath Chaudhuri,³⁰ General Gopal Gurunath Bewoor,³¹ as well as Chiefs of the Army Staff-turned-politicians, such as General Shankar Roy Chowdhury³² and General Vijay Kumar Singh,³³ allegedly deeply involved in politics while serving in the army,³⁴ along with a long list of other generals and officers who successfully established themselves as influential politicians, for instance Captain Mohammad Ayub Khan.³⁵ A whole subgroup includes officers who served in J&K and later became influential politicians and governors of one of the Indian states, such as General Om Prakash Malhotra,³⁶ General Joginder Jaswant Singh³⁷ or General Sunith Francis Rodrigues.³⁸ A separate case in this subcategory is General Kotikalapudi Venkata Krishna Rao,³⁹ who after his service in J&K returned there as the Governor of Jammu and Kashmir (1989–1990) and as the chancellor of academic institutions in the state (the University of Kashmir, University of Jammu, Sher-i-Kashmir University of Agricultural Sciences and Research). One particular colonel-turned-politician is Rajyavardhan Singh Rathore, who served in J&K where he had participated in counterterrorist operations,⁴⁰ thereafter joined BJP (2013) and was elected on a BJP ticket to the parliament (2014); as the Minister of State for Information and Broadcasting, he tended to interpret the situation in J&K through the prism of his former army career,⁴¹ before he moved to the sector of youth education.⁴² One of the best-known instances of the third category is Jaswant Singh, a retired officer of the Indian Army, a founding member of BJP, a BJP parliament member (1980–2014), as well as a minister of finance, external affairs and defence etc. in BJP governments. There can be no denying that the relatively numerous participation of former (and sometimes still active) army officers⁴³ in public life and politics as well as their occupation of federal and state government offices after retirement cannot but deeply impact how Kashmir is perceived and what policies regarding it are chosen.

It would be safe to assume that every Indian Army officer has served at least two or three tours of duty in J&K, which constitutes half or more of their military service. The actual behind-the-curtain influence of the ‘apolitical and secular’ Indian Army on Indian politics, and in particular with respect to J&K, through a range of personal and informal ties and experiences, is

therefore gravely underestimated, but also difficult to assess accurately due to the inherent ‘top secret’ nature of the armed forces. The shady situation becomes even more complex once we take into account Indian intelligence service operatives, and one can name here two examples: Ajit Doval⁴⁴ and Amarjit Singh Dulat.⁴⁵ What constitutes ‘civilian control’ of the military in a democratic state is not merely a formal structure of control: ‘the mere repetition of the slogan “civilian control” is not enough to guarantee its (i.e. of the liberal democratic model of civil-military relations—P.B.) existence: that the civilian leadership must demonstrate its capability to rule is no less important than that it maintain the tradition of apolitical professionalism in the army’.⁴⁶ When a general turns politician, he naturally does not sever the existing personal ties and interests invested with the army or intelligence services but maintains them, and this stands in stark contradiction with the professed strict civilian control over the military in India. The complexity of current civil-military relations and the informal character of connections and interdependencies created by the retired military establishment turned politicians as well as the gradual Hindutvaisation of the upper echelon in the last three decades, combined with the ideology of militarism as a tool to strengthen the Hindu community,⁴⁷ all of which affects the course of policies in India (at least in certain directions, including the issue of J&K), is as a rule completely absent in research analysis,⁴⁸ which dogmatically takes ‘the lack of military intervention in politics’ for granted.⁴⁹ No doubt there is a vast gap between the model of civilian-military relations in India, where the army has been professedly apolitical since the times of Mahatma Gandhi, an ardent advocate of non-violence, and Jawaharlal Nehru, who strongly distrusted the military,⁵⁰ and the dominance of politics and economy in Pakistan by the army and intelligence services. However, the lack of any overt demonstration of a desire to exert military control in modern Indian history or open influence exercised by the military over the political course of the country does not necessarily amount to the absence of military intervention in politics. The impact is palpable, for instance, in the case of the almost irrevocable character of regulations that provide for the complete legal immunity of the armed forces who are able to operate with impunity in J&K and elsewhere in India, thanks to the Armed Forces Special Powers Act (AFSPA), the Terrorist and Disruptive Activities Prevention Act (TADA) and the Prevention of Terrorism Act (POTA),⁵¹ inadmissible in any true democracy. Such legislation and connections are a clear symptom of a tangible, decade-long ‘militarisation’ of Indian politics in general, and J&K in particular, an aspect usually overlooked.

A well-known phenomenon, usually referred to when it comes to the military control of politics in South Asia, is the ‘deep state’, or ‘the Establishment’, i.e. the military-intelligence oligarchy which has strictly controlled all civilian governments of Pakistan and their policies and major economies of the country since almost the founding of the country. There is also quite a similar personal career nexus of former Pakistani military-intelligence

service generalcy and politics to be found in the case of Azad Jammu and Kashmir (AJK), where (1) most of presidents of AJK Pakistan had served as military officers, including Colonel (self-promoted Captain General)⁵² Syed Ali Ahmed Shah (AJK president: 1950–1951) and Colonel Sher Ahmed Khan (1952–1956), Brigadier Abdul Rahman Khan (1969–1970), Brigadier Muhammad Hayat Khan (1978–1983), Major General Abdul Rahman Khan (1983–1985), Muhammad Abdul Qayyum Khan (1956–1957, 1970–1975, 1985–1991), who also became the AJK prime minister immediately after his last presidential term (1991–1996), and Major General Sardar Muhammad Anwar Khan (2001–2006); (2) a number of former Pakistani Army officers who served as AJK ministers, including Major Raja Mohammad Ayub Khan,⁵³ Colonel Muhammad Naqi Khan,⁵⁴ Colonel Raja Naseem Khan,⁵⁵ and a number of others; (3) a number of Pakistani intelligence and army officers who had served in AJK and later enjoyed rapid advancement, reaching the highest positions in the intelligence services and army and/or turned politicians in Pakistan, including Lieutenant General Raja Saroop Khan,⁵⁶ Lieutenant General Mohammad Asad Durrani,⁵⁷ General Qamar Javed Bajwa,⁵⁸ and also some Kashmiris serving as Pakistani Army officers in AJK and active Pakistani politicians, such as Air Marshal Asghar Khan⁵⁹ or Major General Akbar Khan.⁶⁰ This projects AJK as a territory directly ruled by retired army and intelligence people in one more dimension.

One may have the justified impression that the policies of *both* India and Pakistan (albeit to a different degree) are influenced by the army and intelligence officers as ‘powers behind the throne’, and in the case of India to a greater extent to which it is usually portrayed. Generally painted as free of military influence, India is contrasted with the army-ruled Pakistan. It is true that, as Philip OLDENBURG (2010: 104) put it, ‘political systems of both India and Pakistan are simply the window-dressing for a hidden system of social or economic dominance’. However, in most analyses of the political system and ruling structure in India,⁶¹ the focus has been on industrialists, professionals and farmers or local social stratification, emphasis given to the leverage provided by economic status, and the role of the military (as a sub-class of professionals) has been usually overlooked, with few authors ever referring to the actual role played by the military in the politics of India. One of them is Ayesha JALAL (1995: 169) who notices that at the turn of 1980s and 1990s, ‘the expanding sphere of democratic politics and the withering away of the Congress’s organizational and electoral bases of support [saw] state authority in India resting more and more on the non-elected institutions of the state, the civil bureaucracy, the police and the military’. Also Paul BRASS (1997: 11) speaks of ‘designs for the transformation of India into a great and powerful industrial-military state’ around the same time. The processes which were visible as early as the mid-1990s have accelerated in the new political realities resulting from the BJP government in 1998. This cannot but have an impact on how the issue of J&K is seen and acted on both sides of the LoC in a manner very similar to that how the military

mental set-up within Israel impacts the search for peaceful solutions and policies vis-à-vis Palestine.

17.3 The saffronisation of the Indian Armed Forces

In the case of J&K, the enormous impact of the military perspective on Indian politics and administration, as well as on solutions offered to what are considered security problems, is additionally infused with a peculiar blend of nationalism and 'political Hinduism', for, as it is well known, 'the Hindu nationalist movement has had a long association with the army'.⁶² As is often reported,⁶³ the secularism or religious neutrality of the Indian Armed Forces has been gradually compromised in a range of ways over the years.

The two BJP-led governments in the last two decades have increasingly involved the Indian Armed Forces in various activities that are labelled 'national' and 'cultural' but are closely associated with Hinduism and Hindu symbolism, through which 'the foundations of the army's own peculiar secularism are potentially being destabilised'.⁶⁴ These include the emphasis on yoga practice propagated across the barracks through yoga instructors; celebrations of international yoga days on the anniversary of the death of RSS ideologue, K.B. Hedgewar; providing logistic, technical and material help to Hindu celebrations and religious events organised by Hindu organisations and Hindu spiritual leaders, such as Ravi Shankar, known to have close links with the BJP leadership. It has become the norm for the Indian Army to host religious festivals, consistently Hindu, organised by BJP-affiliated Hindutva organisations such as the RSS.⁶⁵ This involvement is both institutional and personal, through retired veterans and serving members of the military and paramilitary forces who co-operate with religious extremist organisations, such as the RSS and various other avatars of the BJP, and attend their party meetings and official events.⁶⁶ The top brass frequently affirm the 'Army's Pro-Hindutva inclinations' at various gatherings during which 'the same Indian Army unofficially, yet very expressly, treats the Muslim community as a threat to national security on the lines of the Hindutva terror-mongers like the RSS or the VHP'.⁶⁷ The courtship is gladly reciprocated by the RSS, which in turn 'wants to re-mould the Indian State with a military which adheres to Hindutva'.⁶⁸ In addition, numbers of former Indian army veterans have themselves established or are mentors of extremist and militant groups, usually boasting close proximity to the BJP leadership at the Centre, such as Hindu Kranti Dal (Himḍū Krānti Dal), Rashtrawadi Pratap Sena (Rāṣṭravādī Pratāp Senā) or Samadhan Sena (Samādhān Senā) and a number of others, which are strongly xenophobic and radically anti-Muslim, mobilising people around the slogans of cow protection, punishments for eating beef, love *jihād* and homecomings (*ghar-vāpsī*) etc., and also pressurising the central government to adopt radical solutions with respect to Kashmir-related problems.⁶⁹ Army veterans

are also expected to play a much more prominent role in the near future according to the BJP-led government. The Ministry of Human Resource Development, jointly with the Army, implement the policy that ‘soldiers retiring from the army ... be posted as PT instructors’ at central government schools. A part of the justification given, which directly involves the J&K region, is that ‘soldiers carry with them stories of unparalleled valour and sacrifice from Siachen to counter-terror ops and from aiding civil authorities during natural calamities to keeping the interests of India First’.⁷⁰

This increasing flirtation of the army and the paramilitary with religious nationalism and Hindutva ideology becomes magnified in J&K, where the armed forces act with particular bias towards the local Muslim population, where the role of ‘Indian culture’, interpreted through the prism of Hinduism, is not infrequently overemphasised, and where Hindu temples among the military barracks become the symbolic centre of cultural and public life within the garrison. There is probably no single military compound in J&K where a *mandir*, unlike a corresponding *gurudvārā* or *masjid*, would not be centrally located, playing an ideological function in the lives of soldiers and officers. Perhaps the most visible symbol of the notoriously politicised and radicalised Indian Army troops stationed in J&K for anyone who has ever been in the region are the innumerable empty alcohol bottles suspended from barbed wire above the defensive walls of military and paramilitary garrisons in Srinagar and around, clinking in the wind as a gesture of religious provocation. It is therefore not surprising that the popular propagandistic slogan used by the armed forces in the state—‘Soldiers and people [together], peace is the objective’ (*jawān aur awām, aman hai muqām*)—not only falls to deaf ears in Kashmir but is also mostly vehemently rejected with utter distrust of the army’s actual intentions.

Notes

1. JKCCS (2017).
2. SETHI (1995: 181–182).
3. JKCCS (2017: 20).
4. See also AAHBANI (1986: 136–137).
5. According to the Jammu and Kashmir State Action Plan for Climate Change—Revised Final Draft, after JKCCS (2017: 24).
6. JKCCS (2017: 19).
7. See also NAVLAKHA (2008) and KAK (2009: 16).
8. JKCCS (2017: 28).
9. Official website of BD (<https://goo.gl/7G9L5j>) [28.12.2017]. See also JKCCS (2017: 21).
10. JKCCS (2017: 45–46, 70). To be exact, there are three such main types of institution, all practically controlled by the governor and the armed forces: (1) SASB, (2) state administration and (3) Indian Armed Forces, which include CRPF, BSF, Indian Reserve Battalion, ITBP, State Disaster Response Fund, National Disaster Response Fund, Mountain Rescue Team, Anti-Terrorism Squad, State Police, Traffic Police, Security, Criminal Investigation Department and Armed Police.

11. JKCCS (2017: 52).
12. JKCCS (2017: 22–23).
13. JKCCS (2017: 66).
14. JKCCS (2017: 153–164, 167–169), see also NAVLAKHA (2008) and KAK (2009: 16).
15. KAK (2007).
16. OLDENBURG (2010: 96).
17. See, e.g., *Indeed* (2016). See also *Fauzi Veterans* (2016) for Jammu and Kashmir Government schemes for the welfare of the Defence personnel (serving and ex-servicemen) available from the Jammu and Kashmir Government and for Benefits and Concessions.
18. Chief of the Army Staff: 1955–1957, appointed as the overall commander of all Indian Armed Forces in J&K during the 1947–1948 Indo-Pak War.
19. Chief of the Army Staff: 1957–1961; officer in J&K in 1948, later appointed as the commander of the 19th Infantry Division in J&K; his brother died during 1947–1948 Kashmir operations.
20. Chief of the Army Staff: 1997–2000; before served in three Sikh Light Infantry units (from 1959), subsequently the commander of Infantry Brigade in J&K, and General Officer Commanding, Mountain Division in the region (from 1989).
21. Chief of the Army Staff: 2000–2002; before the commander of the XV Corps in the Kashmir Valley (1993–1995).
22. Chief of the Army Staff: 2007–2010; before the commander of the 161 Infantry Brigade in Uri (J&K), subsequently the commander of the 22nd Mountain Division as part of a Strike Corps during Operation Parakram in 2001–2002.
23. Chief of the Army Staff: 2002–2005; before he served in J&K with the Dogra Regiment and the Dogra Scouts, engineered the border fencing in J&K; after retirement, he became the Director of Vivekananda International Foundation, a right-wing think tank, or rather a propaganda outlet, with close links to Narendra Modi and the BJP government.
24. Chief of the Army Staff: 2012–2014; spent much of his service in J&K.
25. Chief of the Army Staff: 2014–2016; before officer involved in counter-insurgency operations in the Kashmir Valley (2003–2005), commander of eighth Mountain Division in Kargil (2007–2008).
26. The current Chief of the Army Staff, since 2019; before distinguished (with medals) commander of the second Battalion of Rashtriya Rifles; years long service in counter-insurgency operations in J&K.
27. ET (2020-01-15).
28. Chief of the Army Staff: from 2016; before an officer stationed in Uri, along the Line of Actual Control with an infantry battalion, five-Sector Rashtriya Rifles in Sopore, and brigadier of 19 Infantry Division again in Uri, all in J&K.
29. See, e.g., *The Hindu* (2018-01-14).
30. Chief of the Army Staff: 1962–1966; before stationed in J&K during 1947–1948; after retirement active in Ministry of External Affairs and the Indian High Commissioner to Canada (1966–1969).
31. Chief of the Army Staff: 1973–1975; before the commander of the 80th Infantry Brigade in J&K in the 1950s; after retirement active in Ministry of External Affairs and the Indian Ambassador to Denmark (1976–1978).
32. Chief of the Army Staff: 1994–1997; before the commander of the 16 Corps in J&K (1991–1992); thereafter a member of the Rajya Sabha, engaged in defence-related issues.
33. Chief of the Army Staff: 2010–2012; officer of the second Battalion of the Rajput Regiment (Kali Chindi) (1970) and commander of the same battalion along the Line of Control; member of Lok Sabha since 2009, and after 2014, Minister of State of External Affairs, Minister of State for North East Region in the BJP-led Indian Government and Minister of Statistics and Programme Implementation.

34. JAFFRELOT (2014).
35. Served in the Sialkot sector (J&K) during the 1965 Indo-Pak war; after retirement, he joined politics and was twice elected to Lok Sabha and served as a minister in the government of India headed by Rajiv Gandhi.
36. Served in J&K in the 1960s, thereafter Ambassador to Indonesia (1981–1984) and Governor of Punjab (1990–1991).
37. Chief of the Army Staff: 2005–2007; before stationed in J&K (1991–1992). After retirement from the army, active politician of SAD and Governor of Arunachal Pradesh (2008–2013).
38. Posted in J&K several times since late 1940, Chief of the Army Staff (1990–1993), thereafter member of the National Security Advisory Board, Governor of Punjab (2004–2010).
39. Chief of the Army Staff: 1981–1983; before the commander of a Battalion in Jammu and Kashmir during 1956–1959.
40. RATHORE (*LinkedIn*).
41. “‘Wahhabism’ behind present unrest in Kashmir’, says Rajyavardhan Singh Rathore—‘Whatever is going on in Kashmir had developed in the ten years before 2014. Kashmir was known for Sufism, but in those ten years it has gradually moved towards “Wahhabism”’ (*India TV* 2017).
42. Cabinet minister with independent charge for Ministry of Youth Affairs and Sports (2017).
43. For instance, Major General Bhuwan Chandra Khanduri or Squadron Leader Rajeshwar Prasad Singh Bidhuri (Rajesh Pilot), Lieutenant General Jack Farj Rafael Jacob, Lieutenant General Kunhiraman Palat Candeth, Captain Jagat Vir Singh Drona and Admiral Vishnu Bhagwat.
44. He served in Kashmir from 1990 onwards as an intelligence officer, having his hand in the formation of the notorious terrorist (counter-insurgency) group Ikhwān al-Muslimīn established by Kuka Parray, thereafter he became the Director of the Intelligence Bureau (2004–2005), and then the National Security Advisor to the Prime Minister of India (since 2014).
45. He had served in Kashmir as Joint Director at Intelligence Bureau (1988–1990), which later made him a Special Director of the Intelligence Bureau (DIB) at the IB headquarters and the head of RAW (1999–2000), after which he entered Kashmiri politics as an advisor on Kashmir at the Prime Minister’s Office during Atal Bihari Vajpayee’s tenure (2001–2004).
46. COHEN (1963–1964: 427). Cf. OLDENBURG (2010: 45–53).
47. On the historical background of the idea, see JAFFRELOT (2003).
48. Where one would naturally expect to see that aspect, e.g. LUPHART (1996), CHANDHOKE (2014), MITRA (2014: 123–124), or contributions in JAYAL (2001).
49. Such as MUKHERJEE (2014) or MENON (2014).
50. Cf. PANT (2008: 70).
51. See, e.g., VAJPEYI (2009: 36).
52. SNEDDEN (2012: 120).
53. After retirement from the Pakistani Army, elected to the AJK Assembly in 1985, its speaker in 1985–1990.
54. In the Pakistan Army till the Indo-Pak war of 1965, thereafter in AJK politics.
55. Retired from Pakistan Army in 1990, joined AJK politics thereafter.
56. After his retirement from the army in 1988, he joined PPP and was appointed governor of the Punjab premier by Benazir Bhutto.
57. He served in Azad Kashmir for many years (see DULAT–DURRANI–SINHA 2018: 76), thereafter appointed as the director general of the Pakistan Army’s Military Intelligence (1988–1989) and the director general of ISI (1990–1992); after retirement, served as Pakistan’s ambassador to Germany (1994–1997) and Saudi Arabia (2000–2002). He was also actively involved in manipulating

- Pakistan's politics and the outcome of elections, e.g. in the 1993 general election, by 'distributing money to the alliance against Benazir Bhutto', which he admitted in 2008 (WARAICH 2008).
58. He served in Khairatta (Kotli District of AJK) as a captain, then major in the fifth Northern Light Infantry Regiment in Kashmir (1992), later as a field commander of the X Corps (2013–2015) along the Line of Control at Kashmir, to reach the highest position of the tenth Chief of Army Staff of the Pakistan Army (since 2016).
 59. Founded the Tahrīk-e-Istiqlāl (the Independence Movement) in 1970 and called for the removal of Zulfikar Ali Bhutto's government and for what many considered the military take-over in 1976–77.
 60. He was appointed Pakistan high commissioner (ambassador) to the United Kingdom by Zulfikar Ali Bhutto in the 1970s.
 61. Such as BARDHAN (1984: 50–84), BRASS (1990: 272–276), CORBRIDGE–HARRISS (2000), OLDENBURG (2010: 102–127).
 62. JAFFRELOT (2014).
 63. RAZA (2015), BHARDWAJ (2016).
 64. SHUKLA (2016).
 65. SETALVAD (2017).
 66. For instance, 'K.K. Sharma, director general of the Border Security Force, attended a public meeting organised by an affiliate of the fountain head of the "pro-hindutva" politics Rashtriya Svayamsevak Sangh', see Sikh Siyasat Bureau (2018).
 67. ANWER (2018).
 68. NIE (2018).
 69. E.g., Tennews (2017).
 70. SAWANT (2016).

18 The harder the pressure, the looser the bond

Piotr Balcerowicz

18.1 Public trust in power versus public perception of Kashmir

On the other side of the Kashmir-India relationship, such comprehensive propaganda policies are well orchestrated by the nexus of civilian politicians, nationalist ideologues, the military and paramilitary, with their personal and institutional ties, and the zealously cooperating media.¹ The latter play a vital role which is not necessarily one of information. The media (alongside the government) in India enjoy a significant and growing level of trust (66% in 2017, 61% in 2018, 72% in 2019, 79% in 2020), the highest in the world,² albeit ‘most Indian newspapers are merely concerned with reinforcing the standpoint of the Indian government vis-à-vis Kashmir’³ and the media are regularly demonstrated to produce selective, biased and subjective (mis)reporting on J&K,⁴ ‘the negative portrayal of Kashmir by different non-local media [being] rooted in its history’.⁵ The nexus of these forces combined with the media has contributed to an important shift in the perception of a number of factors relevant to an assessment of Kashmir issue among the majority of the Indian society. There is a complete reversal of opinions to be noticed when it comes to the assessment of the situation in India as reported in the media in the past few years: ‘A strong majority [is now] satisfied with India’s direction, with the way things are going in our country today’, a rise of those satisfied from 29% in 2013, the pre-Modi era, to 70% in 2017 and a drop of those dissatisfied from 70% in 2013 to 27% in 2017.⁶ The shift is, of course, attributable to a number of factors but should be analysed together with a gradual rise in the approval rate for autocratic rule in India since the mid-1990s, where support for autocracy has been higher than anywhere else (Table 18.1).

Surprisingly, the satisfaction of Indians with the Modi era is not necessarily correlated with economic factors, such as GDP growth, which has experienced a decline in the same period, except the early 2010s which saw the shockwaves of the global crisis (Table 18.2).

Of note is that India (as compared to Pakistan) has been performing quite well over the years in *the Democracy Index* (DI, scale from 0/worst to 10/best), based on five categories: electoral process and pluralism, civil

Table 18.1 Support for autocratic rule in India

	1995–1998 (%)	1999–2004 (%)	2005–2009 (%)	2010–2014 (%)	2017 ^a
Very good	17.2	25.5	18.3	40.9	33
Fairly good	27	17.3	27.3	29.5	32
Total	44.2	42.8	45.6	70.4	65

^a PEW (2017-11: 17–18).

Source: WVS (1981–2014).

Table 18.2 India's GDP growth (annual%) between 2012 and 2020

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 ^a	2020 ^a
8.498	5.241	5.456	6.386	7.41	7.996	8.17	7.168	6.811	4.2	–3.2

^a WB (2020), forecast.

Source: WB (2018).

liberties, the functioning of government, political participation and political culture but has experienced a marked decline in recent years ([Table 18.3](#)).

Similarly, in the *Freedom in the World* ranking (FiW; scale from 0, least free, to 100, most free), India has performed comparably well in the same period, albeit with a marked decline in recent years ([Table 18.4](#)).

When we compare the details of the last year of the rule of United Progressive Alliance (Congress-allied coalition) in 2013 with the latest (2019)

Table 18.3 India's, Pakistan's performance in the Democracy Index between 2006 and 2020

		2006	2008	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
India	Total score	7.68	7.80	7.28	7.30	7.52	7.69	7.92	7.74	7.81	7.23	7.23	6.90	6.61
India	DI rank	35		40			33		35		42		51	53
Pakistan	Total score	3.92	4.46	4.55	4.55	4.57	4.64	4.64	4.40	4.33	4.26	4.17	4.25	4.31
Pakistan	DI rank	113		104			107		112		110		108	105

Table 18.4 India's, Pakistan's performance in FiW ranking between 2006 and 2020 (aggregate score)

		2006	2007	2008	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
India	Free	Free	Free	Free	Free	Free	Free	Free	Free	77	77	77	77	75	67/Partly free
Pakistan	Not free	Not free	Not free	Partly free	Partly free	Partly free	Partly free	Partly free	Partly free	41	43	43	43	39	37/Partly free

Table 18.5 Decline in democratic institutions in India, Pakistan between 2013 and 2020

Year	Overall score	Rank	Electoral process (and pluralism)	Functioning of government	Political participation	Political culture	Civil liberties
India—Flawed democracy							
2013	7.69	33	9.58	7.14	6.67	5.63	9.41
2019	6.90	51	8.67	6.79	6.67	5.63	6.76
2020	6.61	53	8.67	7.14	6.67	5.00	5.59
Pakistan—Hybrid regime							
2013	4.64	107	6.00	5.36	2.78	3.75	5.29
2019	4.25	108	6.08	5.71	2.22	2.50	4.71
2020	4.31	105	5.67	5.36	3.33	2.50	4.71

year of BJP rule in the *Democracy Index* 2013 and 2019 (best performance: 10), we observe a serious decline in democratic institutions in India (Table 18.5).

The strong erosion of democratic institutions in India is reflected in numerous other reports, such as that of International Institute for Democracy and Electoral Assistance, which assesses that ‘India is currently experiencing democratic backsliding and has the highest number of democratic subattribute declines since 2013’.⁷ With the declining democracy and lowering GDP growth, we surprisingly observe a public trust in Modi’s government skyrocketing (Table 18.6), a tendency confirmed with landslide victory in 2019 Lok Sabha elections.

A comparison of all the above-mentioned numbers reveals the four clear trends: a gradual curbing of democracy and democratic institutions in India accompanied with a drop in economic performance, which is hardly compatible with a rising trust in the media and increasing support for the government. The paradox can be explained with the diminishing independence and plurality of the mass media compounded with aggressive political propaganda and growing nationalistic pride, related to Hindutva, features characteristic of rising authoritarian tendencies.

These findings are fully consistent with another tendency: more than half (53%) of the population in India is in favour of military rule, which paradoxically makes India, the land of professed non-injury (*ahimsā*), non-violence,

Table 18.6 Public trust in politicians (government) in India, Pakistan between 2007 and 2017 (1 = min, 7 = max)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
India	2.3	2.28	2.38	2.32	2.27	2.21	2.18	3.35	3.98	4.19	4.19
Pakistan	2.21	2.29	2.27	2.28	2.38	2.25	2.23	2.32	2.24	2.74	3.17

Source: WB360.

Table 18.7 Approval rate of the military in India

	2014	2015	2017
Very good	68	74	62
Somewhat good	18	21	24
Total	86	95	86

non-violent civil disobedience and non-cooperation (*satyāgraha*, ‘perseverance in truth’) as forms of peaceful resistance and political means to solve crisis situations, ‘one of only four nations where half or more of the public supports governing by the military’.⁸ Such a high approval rate should not come as a surprise given that the vast majority of the population claims that the influence which the military ‘is having on the way things are going in India’ has remained consistently good/very good over the past few years (Table 18.7).⁹

The paradox is striking. Non-injury (*ahimsā*) and non-violence, which one associates with the respect for human dignity and integrity and with human rights, are moral principles clearly correlated with Dharma (‘righteousness’, ‘moral law’, ‘morality’), which has served as the foundation of the Hindu (and more generally Indian) social-moral system, and an infringement on these principles could at first seem incompatible with morality (*dharma*). However, the concept of Dharma traditionally also involved a respect for the established social structure and the traditional framework of the social duties based on classes and life-stages (*varṇāśrama-dharma*). This in turn may entail one-man rule, or autocratic power, backed by military force, which were extensions of social stratification as a reflection of the sacred, Dharma-based social (class-and-caste) order. The deference to such autocratic power has been inculcated in India’s psyche from the earliest times through the normative literature (*Dharma-śāstras* and *Nīti-śāstras*), such as *The Treatise on the Well-Being* (*Artha-śāstra*). There (AŚ 1.4.10–11), we read for instance that ‘[The king] who resorts to authorised violence¹⁰ as required is honoured. Such authorised violence which is resorted to by someone who has properly reflected makes the [king’s] subjects embrace [the goals of life such as] pleasure (*kāma*), material well-being (*artha*) and morality (*dharma*)’. In such a way, authorised violence and a system of punishment become a key to morality, law and social order and have been preserved through the caste system.

Such high levels of support for the military are correlated with a high approval rate (60%) for Prime Minister Narendra Modi’s handling of the situation in Kashmir¹¹ and also with the demand of the majority of Indians (63%) for even *more* deployment of military force in J&K,¹² the most militarised region of the world with the ratio of armed personnel per civilians as staggeringly high as 1:16¹³ after August 2019. The aggressive stance of the Indian public is reflected in the fact that terrorism and the situation

of insecurity in Kashmir is a matter of major concern for most Indians (between 76–93 and 58–65, depending on the region).¹⁴ At the same time, human rights organisations are viewed in India as of lesser importance and influence when compared with the military (60%),¹⁵ and their positive role in ‘the way things are going in India’ (67% approval rate) is ranked well below that of the military (86%).¹⁶ Furthermore, the image of human rights organisations is not so positive: only 43% of the whole population views human rights organisations as ‘primarily dedicated to protecting the rights of people in’ India, whereas some see them as representing ‘interests of foreign groups’.¹⁷ Out of the ‘list of [ten] issues that human rights organisations in India might work on’, protecting the rights of religious minorities (a sphere which is naturally associated with the protection of human rights also of the Muslim minority, *including Kashmir*, beside the Sikhs, Christians, Jains, Buddhists etc.), ranked seventh, at the bottom of the priorities.¹⁸

The denial narratives refuting the large scale of human rights violations and deprivation of civil rights in J&K¹⁹ are produced by the army, which, as noted before, enjoys the highest degree of trust in Indian society. These are then reproduced by the collaborative media and, therefore, become accepted by the relatively uncritical society as more plausible than those produced and well documented by human rights organisations, which are regularly accused of spreading the unfounded propaganda of the ‘enemies of India’ who pay them.²⁰ This in turn explains the relative lenience with respect to reports highlighting human rights violations in J&K. In addition, the continued resistance of the Kashmiri population against attempts to fully integrate the State and its population into India and their demands for respecting the autonomy enshrined in the Constitution of India are seen as a hostile, incomprehensible and ungrateful act. This contributes to a very limited understanding of the complexity of the Kashmir problem both among the general public and among politicians in India, who in their political careers depend on the former but also have power to influence them.

Such complex circumstances created fertile soil for calls to abrogate Article 370 of the Constitution of India, which had provided the guarantees of autonomy that were a precondition of the accession of PSJ&K to India. Soon after the accession in 1947 and the drafting of the Indian constitution, there were critical voices to be heard regarding the special status accorded to J&K, some of them coming from activists of the Prajā Parishad party (People’s Council), founded by RSS enthusiasts in 1947 and active in Jammu,²¹ as well as, slightly later, from Shyama Prasad Mukherjee (Mookerjee), a minister in Jawaharlal Nehru’s cabinet until 1950 and from the ranks of the BJP-predecessor Bhāratīya Jana Samgh, which he founded in 1951,²² who all favoured the complete integration of the State with India and the annulment of the legal autonomy. Step by step, the autonomy of J&K became a fiction, and Article 370 in its eroded form retained a primarily symbolic dimension²³ (until it was unconstitutionally scrapped), producing certain negative side effects such as the solidification of the political

system of patronage, corruption and governmental irresponsibility of the local fossilised elites.²⁴ The complete integration of the State with India remained on the agenda of nationalist parties and groupings in India.²⁵ In the not unequivocal language of its political programme, 'BJP reiterate[d] its stand on the Article 370, and ... remain[ed] committed to the abrogation of this article' as one of its key political plans, which seemed to stand in contradiction with another election slogan, namely that 'BJP ha[d] always stood for greater decentralization through smaller States'.²⁶ The abrogation of Article 370, alongside 'its mischief potential'²⁷ and the scrapping of Kashmir's special constitutional status, was also a focus of numerous other political organisations confessing Hindutva, which launched petitions²⁸ and campaigns²⁹ to influence public opinion and to achieve that goal.³⁰

Such designs, despite their legal impossibility given the contents of the 1949 Constitution of India and the 1956 Constitution of J&K,³¹ have always been seen as highly contentious in across J&K. The picture in the rest of India is much less straightforward. A comparison of public opinion in the State and in India, based on a public opinion survey carried out prior to 2003,³² on a limited sample collected from all over India, reveals highly divergent views as regards the status of J&K, its constitution, Article 370 and the resolution of the Kashmir issue (see [Table 18.8](#)). An absolute majority of the residents of J&K is in favour of the State's special status, separate constitution and independence, whereas no one supports the abrogation of Article 370 or the trifurcation of the State into separate entities of Jammu, Kashmir and Ladakh based on religious criteria. The majority of the Indian population sees the same issues quite differently, albeit the opinions vary significantly in the following three regional categories enjoying different local histories and geopolitics: *major Indian states*, i.e. the older Indian states (Uttar Pradesh, Maharashtra, Gujarat etc.), which have been politically relatively stable; *the frontier states* (Tripura, Sikkim etc.), which share borders with neighbouring countries, are more volatile and have separatist groups on their territories; and *the newly formed states* (Chhattisgarh, Jharkhand and Uttaranchal), which are now enjoying more power and autonomy than before. Such significant differences in public opinion are attributable to a range of factors, including regional identities, the histories of local separatism and terrorism, the contiguity of neighbouring states and also different political nationalistic narratives.

We may safely assume that now the support in certain Indian states for the forceful dissolution of J&K is even higher than in 2003.

18.2 Kashmir's symbolic dimension

The calls to scrap the special status of J&K have been a driving force behind nationalistic and Hindutva parties in India, which claim it as India's integral part both territorially and culturally, there being no rationale in their opinion to preserve separate legal arrangements for it, which only alienate

Table 18.8 Public opinion in J&K and in other Indian states on the status and future of J&K (based on PATRA 2003)

Public opinion of...	3. The Kashmir issue can be solved by:				
	1. Should Kashmir enjoy a special status within India?	2. Should Kashmir have a separate constitution?	a. Abrogation of Article 370 and its special status	c. Trifurcation of Kashmir	e. Independence of Kashmir
(a) ...the State of J&K ³³	Yes: 75% No: 20%	Yes: 90% No: Nil	Yes: NIL	Yes: NIL	Yes: 85%
(b.1) ...the rest of India as a whole ³⁴	Yes: 42% No: 58%	Yes: 12% No: 88%	Yes: 50%	Yes: 27%	Yes: 4%
(b.2) ...the rest of India broken down into three categories:					
—major Indian states	Yes: 60% No: 40%	Yes: 13% No: 87%	Yes: 37%	Yes: 43%	Yes: 3,5%
—frontier states	Yes: 7% No: 93%	Yes: 0% No: 100%	Yes: 80%	Yes: 0%	Yes: 0%
—newly formed states	Yes: 43% No: 57%	Yes: 29% No: 71%	Yes: 42%	Yes: 14%	Yes: 14%

it from the Union. For them, the Kashmiri demand for self-determination is clearly an anathema. Such opinions are frequently heard all over India and are also associated with an almost universal image of Kashmir as an idyllic place, a cradle of Hindu (not Indian) culture and religion: ‘for our civilization Kashmir is important—it is Kashmir that seats of Hinduism were sown’.³⁵ This is the place which is popularly believed to have given India such illustrious personages, alongside branches of learning, as Abhinavagupta, Utpaladeva and Kashmiri Śaivism, Caraka and medicine, Kalidāsa and drama, Pāṇini and Sanskrit grammar and even ‘the earliest Homo Erectus named as Ramapithecus Panjabicus’, which leads ‘to the inescapable conclusion that Kashmir is the original home of the Aryans and that Aryan and Vedic culture spread out to other parts of the country from Kashmir Valley itself’, and where Rāma searched for Sītā and Śaṅkārā dealt the deadly blow to ‘the impossible religion of Buddhism’, preserving India’s purity (soon after to be sullied by Islam).³⁶

It is this symbolic dimension of Kashmir that captures the imagination of Indians in a range of different aspects in innumerable accounts: ‘For India too, Kashmir came to represent more than history, geography and the ancestral home of the Nehru Family. It was a symbol of the legality of the treaties because Jammu and Kashmir joined the Indian union by an act of Accession signed by the ruler. It was a symbol of the democratic process... It was a symbol of secularism and equal rights in the multi-religious state’.³⁷ It does not matter that such narratives are historically fully inaccurate, by projecting modern concepts such as that of the nation and nation state on the ancient past, inventing and distorting history and magnifying the importance of the region, as did for instance Governor and BJP politician JAGMOHAN (2014: 741): ‘What made Sankara, when he wanted to rejuvenate the spirit of India, to travel from a small hut of Kaladi in Kerala all the way to distant hills in Kashmir? And what made him stay there for quite some time and compose his famous poem, *Soundarya Lahari*, propounding his philosophy of Shakti and Shiva? ... What were the forces that attracted Swami Vivekananda from Calcutta to Kanyakumari and then to Kashmir? ... What is it that Kashmir had always an innate attraction for Indian saints and sages, poets and philosophers, and provided them with perennial inspiration? What, in moments of poetic intensity, made Kalidasa see the “laughter of Shiva” in the Himalayas and Subramania Bharati think of Kashmir as the Crown of Mother India? The answer to all these questions is one and only one: Kashmir, for thousands of years, has been a part of the Indian vision—a silent and serene, yet solid and strong part; an integral and inseparable part’. In a nutshell, it reverberates in the slogan popular among Hindutva nationalists: ‘Kashmir is an inseparable limb of India’s body’ (*Kaśmīr Bhārat kā aṭūṭ aṅg*). The myth infused with legend in such accounts is not merely a manifestation of an unfounded belief,³⁸ but rather an expression of a political goal of forging, or ‘preserving’, cultural and territorial integrity and consolidating within India a territory, ‘right

from the beginning of Kashmiri (mythological) history', where one could notice 'a clear sign of the Kashmiris' preoccupation with ethnicity and separate existence from the rest of the subcontinent, which the Kashmiris pursued through most of their history'.³⁹ In many ways, in the ancient and early mediaeval history of South Asia, Kashmir was much less Indian than for instance such 'crown jewels' as Puruṣapura (Peshawar) and the nearby Puṣkalāvātī, now within Pakistan and no longer a target of such a cultural and political appropriation process on the part of Indian nationalists.

The late mediaeval myth of paradisiac character of 'the land of Kashmir which is the best' (*kāśmīra-bhūr uttamā*)⁴⁰ in terms of religion, ritual, learning, philosophy and orthopraxy is also clearly reflected in the famous couplet of Jahāngīr's inscription preserved in the Shalimar Garden (Śālīmār Bagh) in Srinagar: 'If there is paradise on this earth, it is here, it is here, it is here' (*agar firdaus bar rū-yi zamīn ast, hamīn ast wa hamīn ast wa hamīn ast*).⁴¹ Paradoxically, this Islamic influenced characterisation of Kashmir often also features in Hindutva politicians' rhetoric, such as BJP leader Narendra Modi referring to Kashmir as 'paradise on earth' on a number of occasions,⁴² and nationalist supporters,⁴³ who all repeat the saying that 'the crown of our country is Jammu and Kashmir' (*Jammū-Kāśmīr hamāre deś kā tāj hai*) on political occasions,⁴⁴ and reverberates in raptures of ordinary Indian tourists who visit the region: 'Kashmir is India's heart' and 'there's no need to go to Switzerland, Kashmir is ultimate'.⁴⁵

Interestingly, the elevation of the Kashmir Valley and the whole region to the status of paradise coincided with the annexation of Kashmir by the Mughal Empire in 1586, after which it remained a part of the province of Kabul until it was accorded the status of a separate province (*subāh*) under Jahāngīr (r. 1605–1627).⁴⁶ It is only in the eyes of someone who conquers Kashmir and seeks refuge there from the scorching heat of India, like Jahāngīr's, that 'Kashmir is a garden of eternal spring' and 'Paradise'.⁴⁷ Comparably, modern analogies also carry the concealed implication that Kashmir lies 'outside'. What adds up to the alluring image is the often-cited ranking in which Kashmir is classified as 'the second most romantic destination in the World'.⁴⁸ With its mountainous landscape and snow-clad hills, Kashmir strongly features in the popular imagination, without which the film industry of Bollywood would hardly be imaginable. As we can see, a vast range of factors contribute to a complex *imaginarium* which has a direct impact on how Indians as a whole think of Kashmir.

18.3 The hardened spirit of bilateralism

After a very brief post-partition period when India sought a resolution of the Kashmir problem with UNSC and soon became disillusioned with the process, Delhi rejected any attempt to involve a third party in the peace process with Pakistan.⁴⁹ The first regrets over the multilateral approach to Kashmir were expressed as early as January 1948 at the United Nations

by Gopalaswamy Ayyangar, who was responsible for Kashmiri matters in Jawaharlal Nehru's cabinet and represented India over the Kashmir dispute, who also reiterated that the accession of PSJ&K was final, unconditional, legal, fully constitutional, irrevocable and non-negotiable.⁵⁰ Ever since India has consistently pursued its policies vis-à-vis Pakistan, also in respect to Kashmir, strictly based on the idea of bilateralism,⁵¹ which was not merely conditioned by its earlier disillusionment with what it considered the failed and misdirected involvement of the UNSC, but also an extension of Nehru's general dislike for military alliances and his preference for political, economic and cultural relations developed on a bilateral basis.⁵² The 'no third-party involvement' approach,⁵³ which is related to fear and anxiety as affective factors, has become a *de facto* doctrine determining India's foreign policy, and also its underlying domestic policies, and in fact constraining India's freedom of choice of political action by an outright rejection of external arbitration and mediation as well-established fundamental procedures in conflict management and international law. India's nervousness concerning any kind of external interference also extended to its misgivings about the prospect of an engagement of an independent mediator. The creation of the military pacts CENTO and SEATO on India's borders in 1955 were treated as dangerous harbingers of a possible intervention, and set off India's warnings, sounded by the chief of its delegation to the United Nations V.K. Krishna Menon, that it 'will not tolerate any interferences in affairs which concern our national sovereignty'⁵⁴ and only consolidated India's uncompromising position. India was quick to avail itself of the situation when Pakistan was seriously weakened after the genocidal civil war of 1971, which came to be known in the resulting Bangladesh as *Mukti-juddho* ('Liberation War'), and Indo-Pakistani War, which left 90,000 Pakistanis prisoners of war. In the resultant Simla Agreement signed by Indira Gandhi and Zulfikar Ali Bhutto in 1972, the 'no third-party involvement' principle was incorporated into the document, and the vanquished Pakistan agreed to the condition that the Kashmir dispute was a bilateral issue to be resolved by India and Pakistan alone,⁵⁵ and 'the two countries undertook to resolve all differences bilaterally and peacefully'.⁵⁶

India has consistently refused to compromise on this principle, and the Simla Agreement has become a cornerstone of India's relations with Pakistan and the Kashmir policy, a point reiterated on innumerable occasions: 'India will work towards the resolution of all outstanding issues, including Jammu and Kashmir, through a direct bilateral dialogue process as mandated in the Shimla Agreement',⁵⁷ and 'there is no place for any third party involvement of any nature whatsoever in such a process'.⁵⁸ Furthermore, India also regards as definite and final the status of *all* the territories of PSJ&K as its integral part⁵⁹ to the extent of flatly rejecting the existence of AJK or GB⁶⁰ and views the Kashmiri issue on two levels. The first envisages a space for *strictly* bilateral contacts with Pakistan within the framework cemented by the Simla Agreement—and reinsured in the 1988 Non-Nuclear Aggression Agreement (IPNAA 1988)⁶¹ as well as in the post-nuclear-test-era Lahore

Declaration of 21 February 1999, phrased in the same spirit of bilateralism—to resolve two outstanding problems: that of insurgency and terrorism in J&K, seen as fomented by Pakistan,⁶² and the vacation of the remaining one-third of the territory which lawfully belongs to India, but is ‘occupied’—or, as Pakistan puts it—‘administered’ by Pakistan,⁶³ a condition which seems to remain non-negotiable to-date.⁶⁴ Restrictions imposed on the activities of the UN observers and a ban on investigating reports of LoC violations by UNMOGIP since 1972, which followed the Simla agreement, are an expression of the insistence on bilateralism by Indian authorities who maintain the UNMOGIP mandate has effectively lapsed.⁶⁵

This aspect also concerns the possibility of a plebiscite, an option for resolution which India once accepted. All the calls to hold a plebiscite have been consistently rejected since the mid-1950s, for two main reasons: first, Pakistan had not fulfilled its international obligations before the UNSC and had not provided for agreed conditions under which a plebiscite should be held by vacating the territories it occupied *within a reasonable time*,⁶⁶ and second, when the Constitution of J&K was adopted (17 November 1956) and came into force (26 January 1957), it was interpreted as a practical substitute for and a legal and effective equivalent to a plebiscite, which Pakistan had not allowed for, and in consequence the Constitution made a plebiscite fully redundant.⁶⁷

The second level is that of the situation in J&K and the population as India’s exclusively internal affair, and neither Pakistan nor any other country or international body, such as the United Nations or the UNSC—has any *locus standi* as regards the entire territory of J&K or the representation of its people’s interests.⁶⁸ The rejection of the plebiscite option, eventually considered irrelevant, led for instance to attempts to officially outlaw organisations which either called for independence or voiced a demand for a plebiscite in the early 1990s. Similarly, external criticisms of human rights violations in Kashmiri territories formulated by international bodies or organisations are roundly dismissed by Indian authorities. For instance, the 2018 Report on the Situation of Human Rights in Kashmir published by Office of the United Nations High Commissioner for Human Rights (OHCHR 2018), the very first of this kind, was rejected by India as ‘fallacious, tendentious and motivated’, and as ‘violat[ing] India’s sovereignty and territorial integrity’.⁶⁹

An expression of what India perceives as Pakistan’s complete irrelevance when it comes to solving the tensions and violence in J&K, considered a strictly internal affair⁷⁰—especially during the latest wave of unrest that followed the killing of Burhan Wani, a commander of Hizb al-Mujāhidīn, by Indian armed forces on 8 July 2016—is the actual unwillingness of India to resume bilateral contacts with Pakistan, even though the latter regularly voices its commitment to resolving the issue of violence ‘politically and according to the aspirations of Kashmiri people’ and to ‘lowering the current heightened tensions with a step-by-step approach leading to the resumption of the comprehensive dialogue process’.⁷¹ In addition, since the 26/11 Mumbai attacks, the Indian Government rejects the resumption of the dialogue process with

Pakistan, despite suggestions coming from the political leadership in the State of J&K.⁷² At the other side of the equation, there has been a continuous attempt of Pakistan to internationalise the Kashmir dispute.⁷³

18.4 Kashmir through the nuclear magnifying glass

The Kashmir dispute remains a vital aspect of the international strategy, security and defence doctrine of India to the extent that some even claim that ‘Kashmir has perhaps been the most important single factor in India’s foreign relations’⁷⁴ and ‘a central issue in the broader Indian-Pakistan rivalry’.⁷⁵ Others take a more balanced position that ‘New Delhi has been hesitant in accepting the centrality of Kashmir in Indo-Pak relations and has preferred to see it as just another issue with Pakistan’.⁷⁶ But certainly there’s no gainsaying that Kashmir is now ideologically located between ‘Islamised’ Pakistan and ‘Hindutvaised’ India.⁷⁷ Many see Kashmir as a nuclear flashpoint, which may trigger yet another military Pakistan-India confrontation, this time with a nuclearised dimension.⁷⁸ After 1998 nuclear tests in both India (Pokhran-II, the so-called Operation Shakti) and Pakistan (Chagai-I and Chagai-II),⁷⁹ global fears grew that the next outbreak of Indo-Pakistani hostilities may spin out of control and bring a nuclear conflict of unpredictable dimensions. Neither India nor Pakistan had fully developed nuclear doctrines prior to the tests,⁸⁰ and it was only the 1999 Kargil War that prompted more development in this direction,⁸¹ and the 2001–2002 military crisis brought further evolution.⁸² Practically all armed conflicts that have been fought between India and Pakistan have also involved Kashmir and usually quite directly. The military Pakistan-India build-ups since the post-nuclear tests include the simmering tensions over Siachen (an open conflict since 1984 until the cease-fire of 2003),⁸³ the 1999 Kargil War, the 2001–2002 crisis,⁸⁴ the post 26/11 (Mumbai attacks) stand-off in 2008 and regular exchanges of fire across the LoC and skirmishes since 2016.

Only one of the conflicts, namely the 2008 stand-off neither started nor directly involved J&K, albeit additional Pakistani troops were deployed along the LoC and along the international border with India. At the same time, there is enough evidence that none of these confrontations escalated to a degree nearing to the level of a nuclear conflict, although such a potential risk existed,⁸⁵ and even the prospect of an open, fully fledged military confrontation was rather distant.⁸⁶ There are also indications that prior to the 1998 tests, when India already had a nuclear capability and seemed to threaten to use it against Pakistan in 1990, in practice it bluffed and had no intention of carrying out its threats.⁸⁷ The Indo-Pakistani stand-off following the terrorist attack on the Indian Parliament on 13 December 2001, as a result of which India mobilised half a million troops along the border in January 2002 and Pakistan followed suit, raised the spectre of another war, with the possibility of a conventional war escalating to a nuclear showdown.

It is true that the 2001–2002 crisis ‘grew in part out of tensions between India and Pakistan over Kashmir’⁸⁸; however, these developments and the bellicose rhetoric of Indian politicians should be interpreted against the background of an important series of upcoming state assembly elections in 2002, first in Uttar Pradesh and Uttaranchal/Uttarakhand (February) and then in J&K (September/October) and Gujarat (December), all loaded with extremely high tension and their own domestic dynamics which also involved for instance the Gujarat pogroms in February and March, President’s rule in Uttar Pradesh in March and April etc. Similarly, the 26/11, i.e. the attacks in Mumbai blamed on Pakistan-sponsored terrorists, triggered another military stand-off, which again should be placed in the proper context of general elections (to the 15th Lok Sabha) to be held between April and May in 2009. In neither situation would an Indian government or political party have taken conciliatory steps and retreated from a belligerent stance, lest they risk losing the elections, credibility and popular support. The likelihood of an escalation of the Pakistan-India confrontations into an open war was actually fairly low on these occasions.

Kashmir has featured as a focus of every India-Pakistan military confrontations with one exception, that of the Indo-Pakistani War of 1971, or the Bangladesh Independence War. It was also one of two instances when it was India which first started a war with Pakistan, with its troops mounting an offensive on 12 November⁸⁹ and moving on ‘to assert control over territory in East Pakistan by force’ on 21 November,⁹⁰ well before Pakistani pre-emptive strikes on India’s airfields and positions in Kashmir, code-named Operation Chengiz Khan, on 3 December, which served as an excuse for the Indian government and a ‘comforting fiction’⁹¹ for Indian historians to exculpate India of the guilt of going to war first. But even then there is contradictory evidence as regards India’s actual designs concerning J&K and its whole territory at that time. On the one hand, some intelligence received by the US Central Intelligence Agency (CIA) from an Indian source indicated that ‘Prime Minister [Indira] Gandhi had briefed her cabinet ... and emphasized that India had three aims in the war: quick liberation of Bangladesh, *incorporation into India of the southern part of Azad Kashmir (Pakistani-administered Kashmir)* (italics—P.B.), and the destruction of Pakistan’s military might so that it could never again attempt to challenge India’.⁹² On the other hand, ‘subsequent intelligence from the same source suggested that the Indian prime minister, unlike some of her colleagues, was not interested in attacking Azad Kashmir or West Pakistan’.⁹³ Nonetheless, there are strong indications that there were political forces in Indian government which did contemplate a final resolution of the Kashmir problem by capturing its remaining territories administered by Pakistan. With the Simla Agreement, such plans were finally shelved and replaced with a gradual process, which included an intermittent step of the transformation of the Cease-Fire Line into the Line of Control, that should eventually lead to a concluded international border and a divided Kashmir. The other instance

when India initiated a conflict with Pakistan was Operation Meghdoot of 1984, with the objective of occupying all of the Siachen Glacier, which set off the prolonged Siachen conflict, albeit the exchange of fire remained contained to a relatively small area.

In all the remaining cases of armed conflicts, it was Pakistan which undertook an offensive against India, and the focus was on Kashmir. As an aftermath of partition, the infiltration of tribal forces, supported by Pakistan, into J&K triggered the first Indo-Pakistani War in 1947. Pakistan's Operation Gibraltar led to the Indo-Pakistani War of 1965. Similarly, the infiltration of Pakistani troops across the LoC, which started the Kargil War in 1999, was aimed at capturing the main route connecting Leh and Ladakh with the rest of India, also being the only one linking the region with Kashmir, and forcing Indian troops to retreat from their Siachen Glacier positions. It was hoped that India would be forced to enter negotiations about the status of Kashmir. It is in this sense that one may arguably claim that 'the Kashmir crisis represents the underpinning of the deterrence discourse in South Asia'.⁹⁴ However, what emerges from an analysis of the history of these armed confrontations is that Kashmir plays a much more important role for Pakistan than for India. Whereas the support for Kashmiri Muslims and their right to decide their future is vital for the Pakistani Establishment and legitimises the upper hand of Pakistani army and intelligence in the country, for India, Kashmir appears rather to be a corollary of its other policies, albeit a very important one.

A picture which a survey of the Indo-Pakistani armed conflicts, skirmishes and militants' infiltration from the Pakistani side draws provides reasons supporting the claim of a multi-dimensional serviceability of the Kashmir issue for India: the continual exchange of fire, militancy, terrorism and the risk of an incident escalating to an open armed conflict all justify quite particular policies the beneficiaries of which are both politicians and the military, to the disadvantage of much of the population of J&K. One of those aspects which deserve special mention is the exceptionally high level of the militarisation of the State. With the population of J&K standing at 12,541,302 (as per 2011 census) and all Indian military and paramilitary stationed there—which include the Indian Armed Forces, Central Reserve Police Force, Border Security Force, Jammu and Kashmir Police and the Armed Border Force (SSB), amounting to approx. 750,000 troops in 2015,⁹⁵ the ratio of armed personnel to civilians stood as high as 1:17 in 2015, and in August 2019, with the increase of the armed personnel to at least 900,000—the ratio has risen to approx. 1:16 in the whole J&K, and to perhaps 1:12 or 1:10 in Kashmir Valley itself.⁹⁶ There is hardly a settlement, village or town district that is not adjacent to army or military police barracks, a situation which has a traumatising effect on all aspects of social life and the individual careers of the population. At the same time, the total number of militants since the mid-2010s has oscillated, depending on sources, between 20 and 300.⁹⁷ That gives approx. between 3000–45,000 soldiers per militant, depending on source and period. A natural question therefore arises: 'Do you need

700,000 soldiers to fight 150 militants?”⁹⁸ Such proportions in practice criminalise the civilian population, who justifiably feel under the occupation of a foreign force, with their basic freedoms constrained.

18.5 A new incarnation of the Kashmiri rebellion

Both the threat of Pakistani attack and the presence of militants in J&K provide New Delhi with a rationale to maintain such an unparalleled level of combat forces in the state. In this sense, India has been formally adhering to the imperative of protecting its territorial integrity, an essential element of the structure of which is J&K, whilst also anticipating possible threats to it coming from within (militants) and without (Pakistan). However, the protective measures adopted have not been reasonably tailored to the actual dimension and nature of the threats, repeatedly backfiring in a manner most counterproductive to the goal of retaining the whole population of J&K within both the Indian state and Indian ‘nation’. The latest of such backlashes—which include the mid-1980s turmoil, the 1989 uprising that continued throughout the 1990s and the uprisings of 2008 and 2010⁹⁹—is a new kind of uprising, triggered in 2016, and ‘widely perceived to be different from the earlier ones’.¹⁰⁰ India’s former National Security Advisor [M.K. NARAYANAN \(2016\)](#) points out that ‘the spontaneity of many “mini-uprisings” demands a different explanation from earlier ones, for it smacks of near total alienation of an entire generation of young Kashmiris angry with the present state of affairs’.

Throughout its modern history, India has tried to counterbalance two conflicting values, beside the demand for territorial integrity and secularism as the foundation of the union’s inclusive character. In the very first decades of its existence, ‘establishing Kashmir as an integral part of the Indian union was seen as a critical component of India’s professed secular identity. Paradoxically, this created the incentive for two contradictory actions. First, through Article 370 of the Constitution, the Indian government gave IJK more autonomy than its other provinces. Second, it deliberately and consistently undermined the democratic rights of the Kashmiri people, ultimately giving them relatively less access to democratic processes’.¹⁰¹ Over the course of time, the principle of secularism has strongly eroded and ceased to play any vital and *protective* role in political life, with no major political party defending it any longer and with the leaders, such as Rahul Gandhi, of the Indian National Congress (the erstwhile champion of secularism), regularly frequenting Hindu temples for political reasons,¹⁰² thus also alienating its secular electorate and leaving no other major political party to defend the inclusive, areligious founding principle of the whole country. Religion has entered the mainstream politics of India, with grave consequences for J&K and its population. In the new political circumstances, being non-Hindu, *ergo* labelled not truly Indian, the Muslims of J&K were left merely with just a pretence of autonomy

guaranteed by Article 370 (as long as it was still in force), and their civil and human rights as inalienable corollaries of Indian democracy seriously curtailed due to the overwhelming presence of the apparatus of state violence. Given the two kinds of military threats, that of Pakistani aggression and militancy-cum-terrorism, and with one member of the security forces per 16 civilians, ‘Indian Prime Minister Narendra Modi’, as some analysts argue, ‘can now easily conceal the human rights violations in Kashmir and intensify crackdowns on protesters in the name of fighting terrorism’.¹⁰³ The right to defend India against these two kinds of threats serves as the justification for the Indian government and army to curb civic rights and violate human rights in Kashmir. The right to national defence is resorted to in the official discourse while dealing with external criticism of India’s policies and, for instance, to dismiss the 2018 UN Report on the Situation of Human Rights in Kashmir (OHCHR 2018).¹⁰⁴

The disproportionate presence of the apparatus of state violence (armed forces etc.) in the IaJK, primarily in the Muslim-dominated districts, is not unsurprisingly reflected in the residents’ concerns about human rights violations. In 2010, a research conducted in most territories of J&K revealed that generally the concern over human rights violations was at 43% on the Indian side and 19% on the Pakistani side (see Table 18.9). Most interestingly, the residents of all the Kashmir districts ranked ‘human rights abuses’ as the second most important problem, after unemployment, which stands in stark contrast with the residents of mostly Hindu Jammu, who found that question almost negligible.¹⁰⁵

This seems to be correlated with the (omni)presence of the military and paramilitary in the respective districts and the risk of possible violence perpetrated by them. The case of Ladakh is more complex, with the mostly Buddhist population of Leh district sharing similar attitudes as the residents of Jammu, and Kargil district impacted by the trauma of Pakistan’s Operation Badr and the 1999 war. Interestingly, in Kashmir where the concern over human rights violations is the highest, the residents seem to enjoy a higher level of socio-economic development as compared to other parts of the region.¹⁰⁶ At the same time, such divergent perceptions of residents of J&K correspond to completely different attitudes to India and are strongly symptomatic of a deep cleavage cutting the state into two distinct and radically disconnected sections.

In the seven decades of the cohabitation of India and the territories of J&K India has administered under the project ‘Independence’, the policies of India with respect to the Kashmir territories seem to have utterly failed. What is more, India has not managed to secure the major objectives which J&K is supposed to fulfil. The threat of secession of a part of the Union’s territory still remains a palpable possibility, whereas the alienation and estrangement of a part of the population within India’s borders has become an accomplished fact. India’s policies vis-à-vis the J&K territories have also failed to secure its Western borders or ‘para-borders’, with the LoC (not transformed

Table 18.9 Public opinion in J&K district-wise (grouped in three segments: Kashmir, Jammu and Ladakh) on most important problems in their lives, 2010 (after Table 3 in BRADNOCK 2010: 7)

	<i>n</i>										
<i>Top answers</i>	<i>Anantnag</i>	<i>Badgam</i>	<i>Baramula</i>	<i>Srinagar</i>	<i>Jammu</i>	<i>Kathua</i>	<i>Punch</i>	<i>Rajauri</i>	<i>Udhampur</i>	<i>Kargil</i>	<i>Leh</i>
Unemployment	98	95	94	96	80	82	95	96	48	87	55
Govt. corruption	62	54	68	70	76	73	92	72	59	36	47
Poor economic development	38	26	42	37	51	88	56	75	23	7	16
Human rights abuses	73	55	88	87	3	8	2	5	6	42	18

into a permanent border) preserving the indeterminate, ambiguous and unresolved status of the territories. Most of the problems the population has faced in the last seven decades, ranging from personal safety and the respect of basic human and democratic rights to economic empowerment and actual self-governing control over the territories where the population resides, have not been properly addressed by the Indian Government, let alone solved. As a result of the policies of New Delhi, the residents of J&K have not experienced any single noticeable period of thriving democracy, with the political system being controlled and steered through a complex mechanism involving the military, presidential orders, presidential rule (1990–1996), the J&K governors imposed by the President of India and regularly rigged elections, and finally the imposed dissolution of its autonomy. Arguably, the only party involved that has effectively profited from India's policies is the apparatus of state violence, which has enjoyed discretion, impunity and a range of benefits involving power, wealth and career.

With no truly democratic institutions, which would guarantee proper representation of the population's aspirations, with no flourishing civil society structures and a curtailed legal system, with non-governmental and other social organisations not only unsupported but even resisted or persecuted by New Delhi,¹⁰⁷ with the dominance, omnipresence and omnipotence of the military and paramilitary, the policies of New Delhi have also provided a fertile soil for systematic violations of human rights. The scale of such abuses is unprecedented and symbolically remains a stain on the honour of India which has prided itself for pursuing the policies of non-violence and tolerance throughout its history, and the loser is the population, not only restricted to its (Sunnī) Muslim segment. A side-effect of the policies is a potential for the rise of communal violence and a deepening cleft between the Muslims of India in general and representatives of other religions, with Kashmiri Muslims being projected as a threat to India's integrity and security and their allegedly 'violent nature' projected on the whole Muslim minority in the Indian union. Last but not least, India's incompetence to deal with the problem of instability in J&K may thwart India's aspirations to enter the club of internationally recognised world superpowers and permanent members of the UNSC. The role J&K plays in Indian policies seems to display a kind of negative twist: it is rather India's failure to resolve the complex problem that is directly detrimental to its domestic and foreign interests than any potential advantages it can gain through exercising full control over the territory.

Notes

1. [RAJAGOPAL \(2001\)](#).
2. Besides China and Indonesia, acc. to [ETB \(2018: 17\)](#), [ETB \(2020: 7\)](#); The highest in the world in all categories acc. to [IPSOS \(2019: 4\)](#): 77% (newspapers and magazines), 59% (television and radio), 66% (online news).
3. [JOSEPH \(2010: 53\)](#).

4. JOSEPH (2010), NAZAKAT (2012), JKCCS (2015: 134, 146–153), KHALID (2016), SHOWKAT (2017).
5. SHOWKAT (2017: 748). Such a conclusion is occasionally admitted also by the representatives of the Indian Armed Forces, see, e.g., Major General AMAR KRISHNA (2017).
6. PEW (2017-11: 19–21).
7. IDEA (2019: 26).
8. PEW (2017-11: 18).
9. PEW (2017-11: 41).
10. What I translate as ‘authorised violence’ is *daṇḍa*, lit. ‘rod’, which also implies such meanings as sovereign power, punishment, authority, violence and force.
11. PEW (2017-11: 12).
12. PEW (2017-11: 27).
13. Most probably comparable to PaJK, see below: §18.4, and BALCEROWICZ–KUSZEWSKA (2022a: §8.3).
14. PEW (2017-11: 21–22).
15. Q97 in PEW (2017-10: 9).
16. Q98 in PEW (2017-10: 9).
17. Q112 in PEW (2017-10: 12).
18. Q111 in PEW (2017-10: 11–12).
19. Such as for instance ‘Indian soldiers are alleged to have abused people’s rights in the troubled region of Kashmir more than 1,500 times over the past 20 years, but less than three percent of the allegations were found to be true, a senior army officer has said’, see: BHALLA (2013).
20. See, e.g., SINGH (2017); see also: ‘These types of deranged maniac reports of AI and other human rights activist like of Arundhati Roy are not only creating the propaganda but emboldening the separatists groups that they are doing “Godly” fight for the “azadi” of Kashmir’, in: PADHA (7.07.2015).
21. GRAHAM (1990: 36).
22. GRAHAM (1990: 32–42), NOORANI (2013: 636–637).
23. NOORANI (2011: 303–415), DULAT–DURRANI–SINHA (2018: 90).
24. See, e.g., JAFFRELOT (2007: 210): ‘Article 370 has acted as a big psychological barrier apart from creating vested interests who [sic!] flourish economically and politically in such an environmental ambivalence’.
25. NOORANI (2013: 637–640).
26. BJP-EM (2014: 8).
27. ‘Preface’ to The Study Committee on Kashmir Affairs, *BJP on Kashmir* (New Delhi: BJP Publications, 1995), after JAFFRELOT (2007: 208).
28. See: PETITION (2015). This petition gained the negligible number of 150 supporters.
29. See, e.g., MOHAN (2014).
30. BHATT (2001: 176–177, 198), VANAİK (2017), FLÅTEN (2017).
31. See BALCEROWICZ–KUSZEWSKA (2022b: §§9–10).
32. PATRA (2003: 173–196).
33. PATRA (2003: 176–179).
34. PATRA (2003: 179–186).
35. TOMAR (2006: 49).
36. MUNSHI (1984); SIL (2016).
37. CHAKRABARTY (2014: 188).
38. Even the presence of Brahmins in Kashmir dates back to a relatively late period and early Hindu establishments mentioned in Kalhaṇa’s *Rājataranginī*, ‘attributed to these early kings are to be regarded as attempts by the local Brahmins to enhance their claims on land, many hundred years after the “event”’—WITZEL (1994: 305, 2008: 48).

39. WITZEL (1994: 305, 2008: 48).
40. *Rāja-taraṅgiṇī* of Jonarāja (d. 1459), RT-J 473–474, p. 363; see also: WITZEL (1994: 37, 2008: 237) with wrong numbering. On Kashmir as ‘Paradise on Earth’, see INDEN (2008).
41. It is usually attributed to Amīr Khusrau, although not attested in his extant oeuvre. The verse is also inscribed in the Hall of Private Audiences (*dīwān-i khāṣṣ*) of the Red Fort in Delhi.
42. E.g., BJP (2014-05-10), FE (2015-11-07) and FPJ (2017-08-16).
43. TIWARI (2017).
44. NT (2015-03-13), *News18* (2016-08-10).
45. KAK (2007).
46. ASHFAQUE (2009: 1).
47. *Tūzuk*₁, 299 = *Tūzuk*₂, Vol. 2, p. 143; cf. *Tūzuk*₂, Vol. 2, p. 173: ‘a piece of Paradise’. See also ASHFAQUE (2009: 18–19).
48. MASOODI (2016).
49. AKHOURI (1987: 67–126).
50. AKHOURI (1987: 71–72, 79, 125), WIRSING (1995: 56–58), MoEA (2002).
51. The earliest direct, formal and bilateral contacts between India and Pakistan include three main occasions: July–August 1953, May 1955, December 1962–May 1963, see: WIRSING (1995: 193, 264–270).
52. PANDE (2017: 42). On multilateral (third-party) and bilateral (India-Pakistan) approach to the Kashmir conflict, see: WIRSING (1995: 189–216).
53. SNEDDEN (2015: 245–246, 261–283), TREMBLAY–KAPUR (2017: 168).
54. See FRASER (1965: 134).
55. SNEDDEN (2015: 261); see also A.S. Dulat in DULAT–DURRANI–SINHA (2018: 133): ‘if we go back to the Shimla summit, Bhutto and Mrs Gandhi decided that whatever issues there are, most of all Kashmir, would be settled bilaterally’.
56. MoEA (2003).
57. EoI (1999), see also MoEA (2003).
58. EoI (1999); see also MoEA (2003): ‘The Simla Agreement reiterated in the Lahore Declaration expressly forbids hostile propaganda, interference in internal affairs and encouragement of any acts detrimental to maintenance of peaceful and harmonious relations. It also enjoins respect for each other’s territorial integrity and sovereignty. Pakistan is violating all these provisions’; MoEA (2018-03-14).
59. IPR (1994): ‘Jammu & Kashmir has been, is and shall be an integral part of India’.
60. For instance, MoEA (2018-06-14): ‘There are no entities such as “Azad Jammu and Kashmir” and “Gilgit-Baltistan”’.
61. Regrettably, the agreement is on a very limited scope and concerned only the prohibition of attack against nuclear installations and facilities and does not extend to include the prohibition of a nuclear attack on civilian and economic targets.
62. EoI (1999): ‘There is no place for any third party involvement of any nature whatsoever in such a process’; MoEA (2003): ‘The involvement of Pakistan in fomenting insurgency and terrorism in the border states of India, especially Jammu & Kashmir, has been well documented and accepted by all impartial observers’, and ‘Jammu and Kashmir is an integral part of India. While India is prepared to resolve all differences with Pakistan through bilateral talks as envisaged in the Simla Agreement, there can be no compromise on India’s unity and sovereignty’.
63. IPR (1994): ‘Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression’; MoEA (2003): ‘The issue that remains to be resolved is the vacation by Pakistan of territory illegally occupied by it’; see also EoI (1999): ‘India has concerns about continuing

Pakistani support to and instigation of terrorism in the State of Jammu and Kashmir as well as its illegal and forcible control of Part the State's territory since 1947'.

64. [EoI \(1999\)](#): 'With regard to Jammu and Kashmir there can never be any question of any discussion on the status of the state or on the question of its accession to the Indian Union. These are unalterable facts of history which cannot be re-opened or questioned'.
65. [WIRSING \(1995: 190\)](#), [KOOPS-MACQUEEN-THIERRY-WILLIAMS \(2015: 139\)](#). See also [WIRSING \(1995: 75\)](#): 'From the Indian point of view, UNMOGIP was an unwanted reminder of India's originally conditional claim to the state of Jammu and Kashmir, of its initial acceptance of the Kashmiris' right to plebiscite, and of its deference to the international opinion'.
66. [MoEA \(2003\)](#): 'Preconditions for Plebiscite Never Fulfilled by Pakistan. ... As a result normal conditions under which a plebiscite could be held were never created'.
67. [EoI \(1999\)](#): 'The will of the people does not need to be ascertained only through a plebiscite. Democratic elections are a recognised means of ascertaining the wishes of the people and the people of the State of Jammu and Kashmir have repeatedly participated in such elections'; and [MoEA \(2003\)](#): '8. As V.K. Menon stated at UNSC (763 Meeting, 23 January, 1957): "if an offer is made and it is not accepted at the time it is made, it cannot be held for generations over the heads of those who made it". With Pakistan's intransigence, and passage of time, the offer lapsed and was overtaken by events. In fact, the representative of India (M.C. Chagla) had stated at UNSC as far back as 1964 (1088 meeting, 5 February 1964): "I wish to make it clear on behalf of my Government that under no circumstances can we agree to the holding of a plebiscite in Kashmir". 9. The then Prime Minister of India, in a statement in New York, stated on March 31, 1966 that: "any plebiscite today would by definition amount to questioning the integrity of India. It would raise the issue of secession—an issue on which even the United States fought a civil war not so very long ago. We cannot and will not tolerate a second partition of India on religious grounds. It would destroy the very basis of the Indian State." Today, thirty-six years later, the Pakistani position is even more untenable'. See also [RASWAN \(2014: 128\)](#) and [MoEA \(2002\)](#).
68. [IPR \(1994\)](#): 'all attempts to interfere in the internal affairs of India will be met resolutely'; [EoI \(1999\)](#): 'The internal situation of Jammu and Kashmir is, by the will of its people, strictly India's affair and there is no call for any international intervention'; [MoEA \(2003\)](#): 'Kashmir Developments—An Internal Matter for India'; [AKHOURI \(1987: 125\)](#).
69. [MoEA \(2018-06-14\)](#).
70. HT (2016-07-12).
71. National Security Adviser Lt-Gen (retd.) Nasser Khan Janjua in [ET \(2018\)](#), and countless other statements in the same spirit.
72. [MoEA \(2018-03-14\)](#).
73. [SÁEZ \(2005: 10–15\)](#), [WIRSING \(2003: 79–135\)](#).
74. [CHAKRABARTY \(2014: 187\)](#). See also [BANDHOPADHYAYA \(1987: 291\)](#). Such a position is also confirmed by the Pakistani side, as A. Durrani acknowledges in [DULAT-DURRANI-SINHA \(2018: 77\)](#): 'On a couple of occasions I have heard Indians say they consider Kashmir the core issue. The first was Salman Haider, a co-author of "composite dialogue". I don't remember exactly but he said something like, yes it may be the core issue'.
75. [STEWART-INGERSOLL-FRAZIER \(2015: 40\)](#).

76. JACOB (2013: 200). See also CHARI (2007: 117): 'Conventional official thinking in India strenuously denies the centrality of Kashmir in its foreign policy, but it is easily demonstrated'.
77. AKHTAR (2011: 122).
78. HOODBHOY (2013: 117–133), KOITHARA (2004: 103–122). On the problem the 'nuclearization' of the Kashmir Dispute, see WIRSING (2003: 13–77). For an analysis of the complexity of the nuclear escalation of the Kashmir conflict, see WIDMALM (2012: 129–165).
79. India's decision to embark on openly nuclear trajectory seems to have been primarily of the civilian government, who apparently did not consult its details with the military, cf. PANT (2008: 72).
80. SAGAN (2009b: 219), CARRANZA (2009: 15–42).
81. See, e.g., CHEEMA (2010: 410–414).
82. On the evolution of the doctrines and their theoretical backing, see: SAGAN (2009b), KAPUR (2009a) and CARRANZA (2009: 43–106); cf. also HOYT (2005), Z. KHAN (2011).
83. On the conflict and bilateral negotiations see: WIRSING (1995: 73–83, 195–216).
84. See, e.g., CHEEMA (2010: 414–420).
85. In DULAT–DURRANI–SINHA (2018: 167–168), A. Durrani confesses that Pakistan did reckon with the risk that India would retaliate: 'In case of an episode like the Parliament attack of 2001, or Mumbai 2008, it couldn't be forever that India would not respond. India's reaction would be: is Pakistan going to get away with it? Why do we have a big army? The Indian Army would think about how to respond and come to this conclusion: attack Pakistan'. He further points out that, from 2001, 'war can become an unintended consequence when things acquire their own dynamic. Like troop movement can acquire a dynamic of its own. Logically, troop movement was the compulsion but war would be by choice; and that choice was not likely to be exercised' (DULAT–DURRANI–SINHA 2018: 171–172). DITTMER (2005b: 201–202) indicates that the problem primarily lies with Pakistan's unpredictability: in 1999, 'Pakistan took the offensive (though under irregular disguise), and India threatened in retaliation to escalate. ... New Delhi's retaliatory threat to escalate to conventional war without invoking nuclear Armageddon made clear its refusal to accept Pakistan's premise, and this threat, plus the activation of international diplomacy to mediate the crises, forced Islamabad to back down'. See also CHEEMA (2010: 417–418), who argues that during the 2002 military stand-off, one had an 'unambiguous impression that each side feared the use of nuclear weapons by the other, perhaps, imminent, and that conventional war could escalate into a nuclear war'.
86. According to HOYT (2005: 120–121), the risk of war was low; see also KHAN (2013: 229), who argues that during the period, 'the pattern of military deployments did not indicate that there was a deliberate plan for war on either side, although the treat of an accidental war was always present'. Also HOODBHOY (2013: 75) points out that in 2001 'that nuclear weapons were put on enhanced alert by both sides is a strong possibility, although, direct proof appears unavailable'. Similarly, both spy chiefs of India and Pakistan Amarjit Singh Dulat and Asad Durrani confirm that the actual risk of war was very low and neither side had that intention. For instance, in DULAT–DURRANI–SINHA (2018: 178), A.S. Dulat reveals that neither Indian politician nor generals wanted an open conflict: 'When I was in the PMO I was regularly called to the National Defence College to talk on Kashmir. During one talk, a senior officer said, why did the politicians prevent the army from going to war in 2001? We had every provocation. I said, what makes you think the politicians stopped the

- army? How do you know it was not the Generals who didn't want to go to war?' Further, in DULAT–DURRANI–SINHA (2018: 172), A.S. Dulat emphasises 'Yes, I think we agree that war is not an option. It makes no sense. We fought a few in the past and they haven't achieved anything on either side'. For a survey of a contrasting point of view ('nuclear Armageddon') adopted by US administration and press, see WIRSING (2003: 49–50).
87. See DULAT–DURRANI–SINHA (2018: 54).
88. See: NAYAK–KREPON (2006: 14), AKHTAR (2011: 127).
89. RAGHAVAN (2013: 232).
90. SISSON–ROSE (1990: 4, 213), VAN SCHENDEL (2009: 169–170), RAGHAVAN (2013: 232).
91. RAGHAVAN (2013: 205).
92. RAGHAVAN (2013: 244).
93. RAGHAVAN (2013: 245).
94. CHEEMA (2010: 533).
95. Armed forces, including various paramilitary units, stood at 700,000 (as of 2010–2015); see the report of JKCCS (2015: 14): 'the estimated strength of the total forces in Jammu and Kashmir may be placed at 750,981'. JKCCS (2015: 10–15) provides meticulously detailed calculations, according to which (a) Indian Army (481,576), and other armed forces (in total 269,405) comprising: (b) paramilitary forces (127,847), which include: CRPF (75,000), Indian Reserve Police (5500), Central Industrial Security Force (7000), ITBP (3000), BSF (37,347), (c) intelligence (920), which includes: IB (364) and RAW (556), (d) Jammu and Kashmir Police (114,071), Village Defence Committees (26,567).
96. With additional troops sent in summer 2019: aside from the 'deployment over 90,000 central forces in addition to local police force' prior to the 2019 Amarnāth Yātrā, 'Modi govt has decided to send 38,000 more troops to the Kashmir Valley even though terror incidents have come down' (DUTTA 2019), which totals extra more 130,000 armed forces present in Kashmir, thus in total around 900,000; the active personnel of all Indian Armed Forces at 1,443,921. The population of Kashmir is 14,528,800 and of Kashmir Valley approx. 7,500,000 (2019 estimate).
97. There have always been discrepancies concerning the actual number of militants provided by different official sources. For instance, 'the contradiction in the figures of active militants given by Ministry of Defence (MoD) and Ministry of Home Affairs (MHA), ranging from "around 200" (MHA) to "above 300 militants" (MoD) (IBN YUSUF 2013)'. 'In 2014, the militancy was at the lowest ebb in Kashmir. ... There were 80 militants active in Kashmir. The composition was that 60 militants were from Pakistan while as 20 were locals', according to 'sources in the state police' (KHALID 2017). See also Khurram Parvez quoted in AJAZ ASHRAF (2016): 'According to government figures, there were only 150 militants in the state last year (i.e. 2014—P.B.). ... 150 was the total number of militants present in the entire state. From 2008, the total number of militants has never been more than 250'. The total number of militants in 2015 was put by a source at 226: 'According to official figures, north Kashmir has 66 local and 44 foreign terrorists and in south Kashmir, locals number 109 and foreign terrorists are a mere seven' (BAWEJA 2015; cf. JACOB 2016: 19). In 2017 alone, the official estimates vary from 115 to 300. For instance, according to Major General B.S. Raju, the commander of the Army's Victor Force that performs counter-insurgency operations, 'there are around 115 militants in south Kashmir and out of them, 99 are local and 15–16 are foreign terrorists' (DCH 2017-11-3); Inspector General (IG) CRPF, Ravideep Singh Sahi, puts the figure at '250 militants' (ALI 2017), whereas according to 'sources in the state

police', 'the militants who are active in Kashmir have touched the 300 mark figure' (KHALID 2017). A.S. Dulat, a former special director of the IB and of RAW, and a former advisor on Kashmir in the Prime Minister's Office, puts the numbers as low as 20–30 militants. See DULAT–DURRANI–SINHA (2018: 68): 20–30: 'For the first time since the movement started, militancy is pretty much indigenous in the Valley. The boys have grievances or feel discriminated or feel hopeless. It's just 20–30 boys but that's bad enough. The whole population is willing to walk behind them. These are disturbing things for us, so how does the status quo help?' However, the tendency is on the rise, since the outbreak of the 2016 uprising.

98. Ajaz ASHRAF (2016).
99. For a historical overview, see JACOB (2016).
100. JACOB (2016: 19).
101. BISWAS (2014: 58).
102. See, e.g., ASHRAF (2017).
103. SHAMS (2016).
104. MoEA (2018-06-14): 'Terrorism is the most egregious violation of human rights. Yet the authors [of the OHCHR 2018 report] have conveniently ignored the pattern of cross-border terrorism emanating from Pakistan and territories under its illegal control'. Cf. also Brig. (retd.) RAHUL BHONSLE (2018): 'The OHCHR report also fails to mention that Kashmir has experienced terrorism for decades'.
105. BRADNOCK (2010: 5–8).
106. Out of 22 tehsils (subdistrict divisions), most tehsils that belong to these four districts of Anantnag, Badgam, Baramula and Srinagar rank top (rank in 1981 and 2001): Srinagar: 1–1, Sopore (Baramulla district): 2–2, Baramula: 4–3, Anantnag: 6–4, Badgam: 8–8, Duru (Anantnag district): 9–9; see: MOHIUDDIN–HASHIA (2012: 89).
107. See for instance the cases of human rights activists such as Parvez Imroz (JKCCS), banned from travelling outside of India for years, or Khurram Parvez (JKCCS), arrested under the Public Safety Act (PSA) and accused of being a 'threat to peace in the Kashmir Valley' in 2016.

Epilogue

Piotr Balcerowicz and Agnieszka Kuszewska

A comprehensive investigation of the policies of India and Pakistan vis-à-vis Kashmir, which is an essential purpose of this monograph, provides an insight into an ideologically motivated significance both adversaries unceasingly attach to the disputed region. A brief historical outline tracing the genesis of the conflict ([Part 1](#)) illustrates how the inception of the artificially stitched Princely State of Jammu and Kashmir (PSJ&K) and subsequent policies of subjugation of the population on the part of the rulers predate the time of the partition and played a colossal role in shaping Indian and Pakistani post-1947 narratives. The enduring rivalry between India and Pakistan has had a detrimental effect on sociopolitical dynamics in all parts of the former Princely State, which now comprise Pakistani-administered Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK) as well as Indian-administered union territory of Jammu and Kashmir and union territory of Ladakh. The administration of these lands to a large extent resembles a postcolonial rule, typically based on domination, control and exploitation of the people, land and resources. Rooted in the colonial past and postcolonial belligerent dynamics, Kashmir remains a centrepiece of durable animosity, caught in the crossfire of mutual Indo-Pakistani belligerence, a conflict, which both rivals and international community deplorably failed to address.

What instantaneously compels attention is a multifaceted correlation between the policies of India and Pakistan vis-à-vis Kashmir and dismal situation of human rights, combined with legalised, structural inequality of the citizens vis-à-vis the powerful state (represented by diverse law enforcement agencies) on both sides of the LoC. To both India's and Pakistan's establishments, the post-1947 security-related concerns and exclusivist strategic imperatives provided a convenient excuse for a substantial politisation and ideologisation of the Kashmir issue, accompanied by legalisation of the abuses, implicit and explicit disenfranchisement and dispossession of the residents of the divided chunks of Kashmir. Internal structural deficits and institutional failures further prevented from safeguarding the basics rights and freedoms of those vulnerable citizens.

Given the findings of the monograph, it does not come as a surprise that the divided Kashmir has consistently performed much worse than the two administering powers in various rankings that demonstrate the performance in political rights or civil liberties. Even in relatively conservative and less critical ratings of *Freedom in the World* provided by Freedom House (FiW 1973–2021), the two chunks of Kashmir systematically rank far lower than India or Pakistan, respectively. With respect to political rights and civil liberties, Indian-administered Jammu and Kashmir (IaJK) oscillated around the lowest ranges of 6/7 ('not free'; 7—the lowest) since 1990–1991, with slight improvement up to 4/5 ('partly free') in the brief period of thaw between 2003 and 2018, and a complete regress to 6 after 2019 ('not free'). In stark contrast, in the same period India was rated around 4 ('partly free') in the 1990s, thereafter till 2019 oscillated around 2–3 ('free'), with a sudden decline back to 'partly free' after 2019. Similarly, in the category of political rights and civil liberties, Pakistani-administered Jammu and Kashmir (PaJK) has routinely oscillated around the lowest ranges of 5/7 ('not free'; 7—the lowest) since 2003 till now. At the same time, since 1990–1991, Pakistan was ranked as 'partly free' (3–5), in the era of General Musharraf (1999–2008) 'not free' (7–5), and after 2008 continued with the status 'partly free' (4–5). In other words, the (limited) freedoms and rights the citizen of both India and Pakistan can generally enjoy are usually not accessible to the residents of India- and Pakistani-administered parts of Jammu and Kashmir.

Kashmir incessantly plays a crucial role in shaping Indian and Pakistani domestic and international discourses, or to put it more precisely, both regimes avail themselves of the wide-ranging practical and symbolic significance of Kashmir, with its territory and population, as a handy political instrument and pretext for the internal and external use. The way the disputed region is projected domestically and internationally serves a range of political purposes of key decision makers, and stems from ideological needs, frequently tinged with religion-suffused arguments. The policies of both regimes towards the territories they were once, after the partition, expected merely to administer according to international law, have been characterised by disingenuousness and lack of any palpable will to improve the situation of the local population in terms of their economic development, growth of living standards, education and health. Instead of genuine steps in the direction towards the empowerment of the inhabitants of the former PSJ&K and their autonomy and self-rule guaranteed, for instance, by the Instrument of Accession, something one would expect of regimes portraying themselves as democracies, one can observe a steady decline in this respect, accompanied by the permanent curtailment of civil liberties and political rights and by a continuous abuse of human rights in the region that is treated primarily as a vital territorial asset. Potential loss of the Kashmiri territory is regarded by both regimes as exceptionally detrimental to their security and identity. Viewed from national security lens by Indian and Pakistani leaderships, Kashmir is at the same time incessantly

constructed as key element of national pride and a symbol of sovereignty, which provides ideological and moral justification for territorial claims.

Even though the military and intelligence dominance over Pakistani-administered Kashmir is a well-known phenomenon, one can observe a kind of army quasi-rule in both parts of Kashmir, even though such a noxious army-intelligence-politics linkage in Indian-administered Kashmir seems more camouflaged. Kashmir serves as a vital launch pad for both Pakistani and Indian brass to make their careers, including politics and diplomacy.

In legal terms, the two chunks of the erstwhile Princely State administered by Pakistan—Azad Jammu and Kashmir and Gilgit-Baltistan—remain in a legal limbo, without any representation in the National Assembly of Pakistan. All major political decisions are taken at the federal level, above the heads of the people, with no consultations at the ground level. Similar strategy has been recently pursued by India, with the unconstitutional, unilateral abolition of Kashmiri autonomy and bifurcation of the erstwhile state of Jammu and Kashmir. In Pakistan, Islamic radicalisation and persistent revisionism vis-à-vis Indian-administered Kashmir, primarily the Kashmir Valley, with its unfeasible goals, profoundly influence the country's domestic dynamics with its unceasing nation-building efforts and shape its international image as a terror-sponsoring state. Similarly in India, the politicised version of Hinduism-based ideology, Hindutva, has been determining the course of events that directly impact also the situation in Kashmir. Ideologically, the BJP-dominated India pursues the same path of the search for its new politicised religion-based identity which Pakistan took after its breakup in 1971.

With no solution in sight, both countries remain entangled in this politically devastating conflict, triggering hostile sentiments, blaming each other for cross-border skirmishes and trying to gain international community's backing to their stance on Kashmir. Upholding this strategy adversely affects the development of the entire region and brings detrimental results to Indian and Pakistani societies as well as political systems, taken hostage to the conflict. The re-conceptualisation of the policies vis-à-vis Kashmir is a *sine qua non* condition in order to normalise bilateral relations and to face daunting challenges of the future, which need to be dealt with collectively, such as climate crisis, water management, terrorist threats and a number of others.

India's growing geostrategic ambitions has prompted its leaders to undertake efforts to enhance its role in multipolar competition. With its easily discernible desire to become a global leader on the international scene, India declares in many ways its adherence to the concept of multilateralism, highlighting its non-revisionist strategy, and instead its relative cooperative strategy vis-à-vis other regions and states, but at the same time it emphasises rigorous bilateralism in contacts with Pakistan when it comes to the solution of the Kashmir conflict. At the same time, India's stance vis-à-vis Kashmir has not undergone any noteworthy change, and it still rests on politically constructed pillars that are meant to safeguard the territorial integrity of India and other core values. New Delhi's iron-fisted approach towards the

region was nonetheless structurally bolstered with unprecedented disregard for basic rights of its inhabitants that was callously manifested in 2019, when the BJP-led government unilaterally deprived J&K of its special autonomous status, downgraded it to two union territories, administered directly by New Delhi and placed it under a pre-emptive and punitive lockdown.

As it appears, given enhanced rivalry with China and Beijing's growing international assertiveness, the United States and other Western states will rather avoid critical assessment of and drawing conclusions from India's lapse into authoritarianism and its policies vis-à-vis Kashmir. The Kashmir-oriented shift has to be domestically inspired both in India and in Pakistan. The latter, bolstering its multidimensional alliance with autocratic, repressive China, and being governed by the *de facto* military establishment, is likely to exacerbate the authoritarian and centralised approach in its internal policies vis-à-vis the marginalised regions, including both chunks of PaJK.

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